



**ZIONSVILLE TOWN COUNCIL
MEETING MINUTES
FOR
MONDAY, FEBRUARY 6, 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, Joe Culp, Craig Melton, and Bryan Traylor
Absent: Josh Garrett

Also Present: Heather Harris, Town Council Attorney; Cindy Poore, Director of Finance & Records; Mike Dale, Director of Community and Economic Development; Roger Kilmer, Senior Planner; Corrie Sharp, Economic Redevelopment Commission; 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, February 6, 2023 Town Council meeting. If you would please, stand and join me for the Pledge of Allegiance.

All Pledge of Allegiance.

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

Plunkett Up next on the agenda is the approval of the memorandum of the January 17, 2023 Regular Town Council meeting. A copy has been posted. Are there any questions or discussion from Councilors?

Melton Motion to approve.

Choi Second.

Plunkett First by Councilor Melton, 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.

APPROVAL OF THE FEBRUARY 6, 2023 CLAIMS

Plunkett Up next is the Approval of the February 6, 2023 Claims. Are there any questions from Councilors? I see Cindy in the room.

Traylor I did have just one question and I think it's a pretty simple one. We've got, is it my understanding that the consulting fee for the RDC going forward will that appear on their claims and not ours? Because I understand they went into a contract for that?

Poore Actually, that's something that I will need to talk to them about because I was under the impression it was coming out of the RDC budget and not the planning budget so I'll have to get with them on that.

Traylor Okay.

Melton So on that topic though, it looks like they just had that vote last month, right?

Poore Yes.

Melton And this still says consulting so I believe that this would come out of these claims and then moving forward everything will come out of the RDC budget just – I had the same question and I kind of dug a little bit and that's exactly what I found so –

Traylor Okay.

Melton And it's a different number as well. I believe the contracted number is a little bit less moving forward with the RDC so they worked a deal out.

Traylor Perfect. All right, I knew that shift was coming I just didn't know when to expect to see it. Okay. And I've got another question just offline but –

Poore Okay.

Melton Actually, I have a couple while you're here. Just want to touch base – a couple things. First of all, these are very confusing for me going from month to – this is the new system? Is this what we're going to see? That's my first question.

Poore Yes.

Melton So moving forward, great. I'll try and get the hang of this with this layout. I just had a couple quick questions – it looks like we paid Whitsitt & Nooning twice. I assume that's because – is that, is that a billing thing? Do they bill us or do we just pay them automatically?

Poore No they bill us. We held the January payment off the last claims because it should've come out of 2023 and not 2022 funds. That's the reason why you're seeing –

Melton Perfect.

Poore Them both on here.

Melton Great. And then real quick on page 2 there is Security Pros LLC on there and it looks like there's two recurring annual service lines on there. I just want to make sure those aren't –

Traylor Duplicate.

Melton Duplicates. I just was surprised to see it on there twice.

Poore No, a lot of the buildings and areas and Joe could answer this better than I could but –

Melton Okay.

Poore We have different maintenance agreements for the different buildings that we have online.

Melton Okay, fantastic. And then that same thing goes – let's see, actually, I believe that I have one more question. Actually, it looks like we paid the Zionsville Chamber of Commerce their \$60,000 for the Community Enrichment Grant?

Poore Yes.

Melton Is that right?

Poore That is correct.

Melton And that comes out of 2023's budget, right?

Poore Correct.

Melton Okay, great. Well I appreciate that and I'm excited to see them get those funding dollars as well. So actually that's all I wanted to know.

Poore Okay.

Plunkett Cindy, I noticed that we've got our retainer and it's listed as a 2023 retainer.

Poore Yes.

Plunkett I've got a December bill due here.

Poore Okay.

Plunkett So I guess my question is, we get bills with invoices. Is there a way to attach the invoices to these claims or least the numbers so that I could look at that and compare it and say that this invoice number 3040955 from December is not the same thing that's listed here?

Poore I'll see if there's way to add the invoice number onto the claims.

Plunkett Okay. Thank you. And then I'll send, I'll give this to you so we can –

Poore Okay.

Plunkett Make sure that gets wrapped up too.

Poore Yep.

Plunkett Thank you.

Poore You're welcome.

Plunkett Any other questions for Cindy? I would make a motion to approve claims.

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 carries 6 in favor, 0 opposed.

REQUEST TO SPEAK ON AGENDA ITEM

Plunkett Up next is Request to Speak on Agenda Items. Amy, I had one. Did you receive any others?

Lacy No, just the one.

Plunkett Very good. All right, well I have one for Pat Cross.

Cross Yes.

Plunkett Yes. If you would just come up and state your name and your address and we've got 3 minutes so I'll give you a quick head's up when we get to 2 so you know that's coming down.

Cross Okay. Pat Cross.

Plunkett That's not the timer, by the way. I don't know who--

Cross That's it, time's up? Pat Cross. Reside at 4998 Turkeyfoot Road. I've lived in Zionsville for more than 20 years. I appreciate the opportunity to chat with you about the Golf Cart Ordinance amendment and thank you, President Plunkett, for sponsoring that. I've, I've met and corresponded with a large number of Zionsville residents who are very supportive of the proposed amendment to the Golf Cart Ordinance. We believe that street legal golf carts can operate safely on most public streets in our Town providing a number of environmental and other benefits to the community. We had hoped – so we'll, we'll take that good news. As I said, we're very supportive.

There is one suggestion/recommendation that we'd like to make to that amendment and that would be to permit the use of the Turkeyfoot trail to access Holliday Farms Golf Club so that families living in Holliday Farms could more easily and safely access the Village and for folks who live to the south of Holliday Farms can, but who are members or go there to enjoy the amenities in the community, could access it from the south. Will note that – at, at the end I'll mention a less than a sentence amendment that we're proposing. As you think about that, two-thirds of the trail already permits golf carts and I think technically the amendment as proposed it would violate the amendment, the ordinance because there are golf carts on the northern part of the trail and the amendment says they're not permitted on any trail. We're only talking about the north-south leg, so the part that goes to Willow Road that wouldn't need to have golf cart usage. The reason, I assume one of the main reasons that the ordinance is adopted and why there are more carts is because there's a golf club right there and it seems to make sense to us that there should be access using it. This would entail removing the bollards so that golf carts could get through but larger vehicles could not get through. The Turkeyfoot trail is the widest trail in the community. It's 13 feet wide and we believe it can safely permit golf carts, bicyclists and walkers and runners to use the trail.

So what we're simply asking for is a proviso to be added to the amendment to permit that portion of Turkeyfoot, approximately one-third of the trail, to also be used in addition to the northern part of the trail and we appreciate your consideration of that.

MAYOR/ADMINISTRATION UPDATE

Plunkett Thank you. All right. Up next on the agenda would be the Mayor/Administration Update and we did not receive any information from the Mayor or the Administration.

TOWN COUNCIL UPDATE

Plunkett Moving on to Town Council Update. Are there any updates from Councilors?

Traylor Just a quick update on the VanGorder insurance claim. There is – I did get my public records request back and it was, I want to thank you, President Plunkett, for being adamant about reaching out and trying to push this thing forward. Unfortunately, I saw no indication that anybody else is doing that from the Administration's side per the public records request. From what I could gather through that, the claim was submitted at the first or the first week of September and that, by email at least, that was the only real correspondence they had. This is a 5-month-old claim at this point. I've been asking about it for two months now and still have gotten no real response about what actions are being taken to get this finalized. No settlement has been reached, no offer has been made, nothing's been paid out and I'd just like to point out that every meeting that goes by and we don't get some resolution to this or pay it, the bill only goes up. So I would encourage the Administration to be a little bit more aggressive with trying to settle this as not to end up on the bad end of another lawsuit.

Plunkett I would agree. Any other updates from Councilors?

OLD BUSINESS

Plunkett Up next is Old Business and there is no Old Business.

NEW BUSINESS

Consideration of Approval of Appointments to Pathways and PZAZ Committee

Plunkett Moving on to New Business – first item up is a Consideration of Approval of Appointments to Pathways and PZAZ Committee. Councilors, you'll recall at the last meeting we held off on Pathways appointments and since then we had a couple of PZAZ members come off of that particular Board so we have other appointments that are out there. Are there any questions from Councilors?

Melton Just a quick comment regarding that. I appreciate you all being flexible to let me postpone our appointments. I just want to encourage anybody that gets appointed please, please try to make a good effort to show up to these meetings and that was our biggest concern and hopefully we won't have that problem in the future.

Plunkett Yes, I would just like to say once again I appreciate everybody who volunteers to serve on these committees. Obviously, there's a significant amount of work that goes into it and those Boards and Commissions are incredibly important to the day-to-day functions of the Town. So, thank you for stepping up and doing that. If there are no other questions from Councilors, I'll make a motion to approve the appointments to Pathways and PZAZ.

Culp Second.

Plunkett Second by Councilor Culp. 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 Approval of the Amended 2023 Schedule of Meetings

Plunkett Up next on the agenda is a Consideration of Approval of the Amended 2023 Schedule of Meetings. This is to note the Plan Commission meeting time change from 7 to 6:30. I don't necessarily have anybody here to present on that. I don't know that we need that much of a presentation there. Any questions from Councilors?

Melton Motion to approve.

Plunkett First by Councilor Melton.

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.

Consideration of a Resolution Regarding Fund Encumbrance **Resolution 2023-02**

Plunkett Up next is a Consideration of a Resolution Regarding Fund Encumbrances. This is Resolution 2023-02 and we have Cindy here to present. Director of Finance, Cindy Poore. I guess I should probably properly address you.

Poore Yes, this is something that we go through towards the end of every year. What happens is we have contracts that have been signed or commitments of dollars that due to either timing or projects not finishing they're not billed in the budget year that they were budgeted for and so this allows us to carry those dollars forward without dipping into the next year's budget to finish off these items. So that's what, that's what this list is.

Plunkett Any questions from Councilors?

Melton I just have one brief question on the last item on the page it's the McKenna form-based code –

- Poore Yes –
- Melton And this one says addendum and I was just curious so that's beyond our contract with them, is that correct?
- Dale Mike Dale, Community & Economic Development. That's correct Councilor. There have been a few more things that staff has asked the consultant to include in additional work beyond the original scope that would total about \$9,600 so staff has asked to have McKenna & Associates to increase their scope for a few additional tasks that we believe would make the document more usable friend, more user friendly. For example, we're asking McKenna to include some guidelines for a user guidelines. Since it's a new type of code, a form-based code rather than standard code we thought that would be a helpful tool. There's some other elements. For example, a few more illustrations for how, for building types that were not part of the original scope. So there are several other things and I can come back and report to you more thoroughly if you'd like to know but that, that's the reason for the addendum.
- Traylor If you don't mind –
- Melton No, please.
- Traylor So, the two things that you both just said kind of conflict each other. Cindy said that it's for things that were budgeted for last year –
- Dale Yes –
- Traylor But not spent yet.
- Dale Yes –
- Traylor And from what I'm understanding, you're saying this is for additional that wasn't planned for. Which one is it?
- Dale It was the latter.
- Traylor All right. So this –
- Poore It's still in the budget.
- Traylor This should be an additional appropriation then not –
- Poore No it's still, there were budgeted funds for this.
- Traylor All right, I'm confused.
- Melton I guess a question for our attorney – on these can we pull items until we get clarification? Is that something that we could do? Because, honestly, Mike, I'd be interested in kind of understanding what all this is really going to entail. What all

you've requested and you said you'd report back but you'll report back after we've already paid so I'd rather have the report and then we pay.

Dale I can, before tonight's meeting is over, I can go upstairs and find that information and present it tonight.

Melton I'd feel better about it but I also think that there's a little bit of a process issue it what it sounds like.

Dale Okay.

Plunkett So let me, and maybe, unless I'm hearing something different than they're hearing – so this money was budgeted last year we just didn't spend \$9,600 of what was budgeted last year –

Dale That budget was –

Plunkett Which is why we're spending it this year.

Dale I'm sorry but that budget was for all, for consultant services so there was ample money in a category called consultant services.

Traylor Okay.

Plunkett Okay. So it, but, but again, it was in the 2022 budget –

Poore Yes.

Plunkett For \$9,600 more than what was spent and we're just spending that in 2023?

Dale Not specifically for \$9,600 – there's –

Poore There's budgeted money in contractual services.

Dale There was a lot of money remaining in that –

Plunkett Okay.

Dale Line item.

Plunkett But you're asking for \$9,600?

Dale That's correct.

Traylor All right, I understand that now. That's –

Plunkett That makes a little more sense.

Traylor That makes a lot more sense. Okay. I was--

Melton I guess if you'd like to send that to me via email that'd make me feel better. I think these guys have their questions answered already.

Dale Okay. Would you like that this evening or?

Melton No, that's fine.

Dale Okay.

Melton Just stay here for the meeting, Yes.

Dale Okay.

Melton I think it's important.

Dale Okay.

Plunkett All right. Any other questions for Cindy?

Burk I don't have a question but President Plunkett alluded to this Cindy, but just to publicly congratulate you on your new appointment to position of –

Poore Thank you.

Burk Director of Finance.

Poore Thank you.

Burk And congratulations. It's well deserved and thank you for all you've done in the last year.

Poore Thank you. I appreciate that.

Burk You carried a lot of load.

Choi Thank you.

Plunkett I will make a motion, if there are no other comments from Councilors, I'll make a motion to approve Resolution 2023-02.

Traylor Second.

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

All Aye.

Plunkett All those opposed same sign.
[No response]

The motion passes 6 in favor, 0 opposed. Thank you, Cindy. Don't go far. I think you're next.

Poore Yes.

Consideration of a Resolution Regarding Opt-In to Meijer Opioid Litigation Settlement Resolution 2023-03

Plunkett Up next is a Consideration of a Resolution Regarding Opt-In to the Meijer Opioid Litigation Settlement. This is Resolution 2023-03.

Poore Yes, the Resolution before you No. 2023-03 is to opt in to the Meijer opioid settlement. The Town along with many other municipalities is represented by a national consortium of law firms in connection with various pieces of the opioid litigation. Tonight's Resolution relates to the piece of litigation involving defendant, Meijer, Incorporated in a proposed regional settlement with that defendant. Representatives from the national consortium state as follows: "We are happy to bring this proposed Meijer settlement to you as a regional proposal. This means it is not part of the national deals and will be paid directly to you now. There's no payout over time. The reason for this approach is due to the minimal market share Meijer has nationwide. The settling Meijer stores account for approximately 0.1% of the national opioid distribution. Your national counsel recommends participating in this Meijer settlement."

Plunkett So I think, just briefly, I'm not an expert on this but I did ask a few questions. I would just say that from this particular perspective you guys will recall we had a couple of actions over the last couple of years about opting in and opting out. Those were specific to what the Attorney General was doing and the State of Indiana. This is a scenario where if we opt in, we participate in that settlement. If we opt out, we have to do and, Cindy, if I'm out of scope here, please let me know but if we opt out then in order for us to request anything, we have to go in and justify the need, the impact, etc., etc. And we would have to do that on our own.

Poore Correct.

Harris Correct, yes.

Plunkett Yes. So –

Harris And my guess for the Council is you're going to start to see a number of these start to come forward because the definitive firms are starting to settle so it's all the major retailers of any sort of opioid products that were found as part of this national class action settlements.

Choi A blanket umbrella kind of suit against all the distributors?

Harris There are a number of different suits around the country by different litigants. So, for example, previously we opted out of the settlement for the State of Indiana. They were settling just on behalf of the state and they weren't going to distribute, distribute the proceeds so each one is a little bit different but, yes, so this national consortium of law firms is, is a consolidated litigation against many, many

defendant pharmacies. So that's why I said I think you'll start to see some of these. They're doing regional settlements and national settlements and –

Choi But this will all come to us piecemeal –

Harris Yes.

Choi There's no overarching--

Harris Yes, right. Yes. You'll start to see them as each, each defendant is still bifurcated, I think in the lawsuits. I don't think they've rolled up into any joint liability.

Burk Yes, that's the same question I had, Heather. Are we going to now begin to see these as individual, like dozens of these are going to start coming in –

Harris Yes.

Burk Individually so there's not going to be a package –

Harris Yes.

Burk Joint?

Harris I don't expect that to be the case as I understand the litigation how it's rolling out nationally. There, like this, if you look at this, like this is even a regional settlement for Meijer so I don't know that they've settled nationally but they, this is a settlement that's Indiana, Kentucky, I think Ohio and, or Michigan, Illinois and Ohio. So this settlement only pertains to the municipal defendants in –

Burk Yes.

Harris Municipal plaintiffs in those states.

Burk And that may be the only states where they have a footprint I think, I believe, Meijer.

Harris Yes. They may have other cases but because it's a regional settlement, there's still, there's like all different kinds of plaintiffs against many of these defendant parties.

Burk Cindy, do we have any, any estimated dollar amount on what we can expect for any of these or?

Poore Well, for this one after attorneys' fees come out, approximately \$37,500.

Burk Thank you.

Poore Yes.

- Plunkett And then we'll have to, I believe, probably at the next meeting, we'll have to open up an account for this and right? I mean that's –
- Harris That's correct, Yes.
- Plunkett Yes. So I do think it's important, Councilors, as you see the litigation stuff come through, obviously, as we've known in the past, Heather's firm represents some parts of this, right?
- Harris Lots of defendants.
- Plunkett So a lot of our, our questions need to be directed to the group that's settling this nationally?
- Harris Yes, Yes –
- Plunkett So questions that we have if you want to funnel them through me you can do that but you've got the email. I forwarded the email to you that has their direct contact info as well and I'll continue to do that as we get these settlements.
- Harris Yes and Amy Nooning is serving as the primary point of contact and I can definitely advise you on procedures and where to deposit funds or any of those kinds of things but –
- Plunkett Perfect.
- Choi There is no stipulation on what these funds can be utilized for? It's just a general fund?
- Poore Yes with this I'm not sure. I haven't seen the guidelines yet.
- Choi Okay.
- Harris I think they just go into a separate fund for receipts purposes for the State Board of Accounts and then you can spend them for any government purpose.
- Choi Okay.
- Plunkett Any other questions from Councilors? Otherwise, I would entertain a motion.
- Traylor I make a motion to approve.
- Choi Second.
- Plunkett First by Councilor Traylor, 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.

Poore Thank you.

Plunkett Thanks, Cindy.

Choi Thank you, Cindy.

Consideration of an Ordinance Amending the Town of Zionsville Zoning Ordinance (Creekside PUD) Ordinance 2023-01

Plunkett Up next on the agenda is a Consideration of An Ordinance Amending the Town of Zionsville Zoning Ordinance. This is the Creekside PUD. This is Ordinance 2023-01. We have Roger Kilmer and Corrie Sharp to present.

Kilmer Good evening Councilors. Roger Kilmer, Senior Planner for the Town here to introduce a requested rezoning that would affect three lots within the Creekside Corporate Park PUD. The Plan Commission at its January 17, 2023 meeting heard Docket 2022-60-Z and arrived at a favorable recommendation of this requested rezoning unanimously and they forwarded the certification of that action to you and it was included in your packet. It was dated January 18th, I believe. The rezoning, if you're not familiar with Creekside, is a PUD which has divided its, the number of lots, I believe, a total of 14 lots into four different subareas. The request before you is to create a fifth subarea taking two of the lots out of Subarea D and creating a new Subarea E. These two lots would be utilized by Graham Rahal Performance Development. They have, that project has submitted a replatting and development plan petitions which will be heard by the Plan Commission later this month. The rezoning is, again, will affect those two lots. There is a third lot which will be, which would be affected and not associated with the Graham Rahal project but it is simply to clean up Subarea B which consists of this one lot, includes a permitted use of childcare centers which is not permitted on that lot so we're removing that to those are the three lots that are involved with this rezoning, Subarea B removal of the cancer, of, of the childcare center and then the two lots for the Graham Rahal project.

In a summary memo that was provided to you, I listed the permitted uses which would be included in this new Subarea E and that is what I have to present at this time. I'll turn it over to Corrie Sharp, she might have something to add.

Sharp Honestly, Mr. Kilmer did a great job. I just have one minor addition to his comments. As we were reviewing the PUD that you have before you with the developer and we have one scrivener's error and I just want to point it out. It doesn't take, require your action but It will change how it reads. So in the sub, the new subarea, there are two sections of, that identify permitted uses. It's under 1.8 and the first section says permitted uses for owner occupied lots and then underneath 1.8B.2 we refer to it says single tenant building uses listed above. And so what it's supposed to say is all of the above uses in Subarea E are also allowed in multiple tenant buildings but instead it says single tenant building uses listed above. So we're just cleaning up that language to make the correct reference. And Mr. Kilmer or I would be happy to take any of your questions.

- Traylor Just on the that Lot 9 it's just removing childcare facilities?
- Sharp Just removing childcare and we opted to do that because we were getting inquiries about childcare facilities and the way our IDEM approvals are and agreements, childcare is not allowed in Creekside because of previous contamination.
- Traylor Ahh, okay. That explains, all right. I get it now.
- Sharp Yes.
- Choi So silly question then – if it was not allowed because of previous contamination what's different now?
- Sharp It's –
- Choi Has the contamination been resolved?
- Sharp Yes, the contamination has been cleaned up –
- Choi Okay.
- Sharp But there is a legacy of environmental issues that continue on after a cleanup and part of that legacy is no childcare, no residential living, no senior care, things like that just to continue to be safe.
- Choi Thank you.
- Sharp Yes.
- Plunkett Corrie, I just had a question – in that same section right above, so 1.8 section B number 2, to your point, single tenant building uses listed above. In 1.8B.1 it says Subarea D uses –
- Sharp Yes.
- Plunkett I'm just wondering why B is all, why Subarea B uses is included in subarea, in the Subarea E explanation.
- Sharp Because they are encompassing. So Subarea B is the RLL project so basically we're saying the uses on the RLL site are compatible with the Graham Rahal uses.
- Plunkett E is the RL or the D is the RLL site, E is the GRP site?
- Sharp I'm sorry.
- Plunkett My question is in the section that discusses E, why it is referencing subsection B?
- Culp B.

- Sharp Oh, because there are some uses in Subarea B that are more retail oriented. So Subarea B for single or multiple tenant buildings allows for a microbrewery and a gift shop, a wine shop, a recreation center and these are some of the things that the Graham Rahal Performance organization is wanting to utilize in their project. So we're saying yes you can use these, these uses are allowed on this site.
- Burk So instead of listing them in E, you're just referencing that they're in B already –
- Sharp Right.
- Burk So you don't need to duplicate records.
- Sharp Exactly.
- Plunkett So I guess last piece on this maybe – I just want to make sure there's a in the section right above that in section A listed for Subarea E there is an event center, correct? And I understand the intent and the purpose for that right because of all the stuff that's going to go on. I just want to make sure that the section below permitted uses in section B that it says Subarea B uses that that does not include the event center that's listed in section A?
- Sharp What's section A? Oh, it would include that. The primary difference between section A and this section is that it's an owner-occupied building versus a multiple tenant, multiple use, multiple tenant building. So if the owner-occupied building they are going to have event activities it would be allowed then underneath a multiple tenant structure.
- Melton Just to make a comment on that, President Plunkett, it looks like the size of B is not very large in its size so if we're talking about an event center, you'll have parking, building, so the event center would be very limited in its use even if it was an outlet style building.
- Plunkett Yes, maybe I'm not – So section B, Subarea B, B as in boy, allows for 27 permitted uses and there's nothing in subsection or Subarea B that says event center, okay?
- Sharp That's correct.
- Plunkett Yes, so then I just want to make sure going down here to 1.8 in section E that where it says under permitted uses for multiple tenant building, the first, the number 1 line says Subarea B uses and then underneath it it says single tenant building uses. If you're saying listed all above, I just want to make sure that this is not saying now that B can have an event center on there.
- Sharp Correct.
- Plunkett Okay.
- Sharp That's correct.

- Plunkett So that, this does not do that?
- Sharp No, it does not.
- Plunkett Okay. Thank you.
- Sharp You're welcome.
- Plunkett Any other questions for Councilors now that we're clear as mud? I would make a motion to approve Ordinance 2023-01.
- Burk Second.
- Plunkett 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. Thank you.
- Traylor Thank you.
- Plunkett Thank you both.

Consideration of an Ordinance Amending the Traffic Code of the Town of Zionsville (First Street) Ordinance 2023-02 (First Reading)

- Plunkett All right, moving along – up next is a Consideration of an Ordinance Amending the Traffic Code of the Zionsville or Town of Zionsville. This is for First Street. This is Ordinance 2023-02. This is a first reading and since Lance is not here tonight, I will actually introduce this or, or talk about this. Let me pull this up. We had, many, many of you, Councilors will recall a few years ago we had folks talking about – well, let me make sure I got the right one. Okay. So we had introduced a few years ago a modification to the parking ordinance that would restrict both the north and south side of First Street and put in a loading zone in the morning for the hours of, I think it was like 6 to 10, right? I was one that worked on that ordinance. The purpose of that was we had multiple restaurants, we had multiple groups that were using those areas as loading and unloading zone. I think what we have is, and over the years we've even heard there, there's a law firm down there that's requested that that be removed but the restaurants were still kind of using that area. One of those restaurants that was using it quite a bit is no longer there. One of the other restaurants that uses it gets most of their deliveries in the non-morning hours because they're serving breakfast.

So, the idea here is from First Street north of Oak Street we would remove the loading and unloading zone restriction. South of Oak Street would remain in force, okay? So, as many of you know, there's a new restaurant there that has , morning operations and in an effort to kind of get a good feel for what this might

look like, I've been there 3 or 4 times and I just kind of sat there for an hour and a half or so and had a good cup of coffee and some conversation and noticed the entire street is packed for that entire loading zone in that same timeframe. So I think this does two things: Number one it frees up the enforcement, right? Because the ordinances are only as good as they can be enforced and I don't know that we necessarily want police officers down there ticketing people at that time in the morning that are just in there for a cup of coffee anyway. So, this is not something that was brought to me to change by any particular petitioner, it was just a function of Lance and I having multiple conversations about it, sitting down there and talking to folks about what they'd like to see. So, again, this is a first reading. We can certainly amend this or make changes and Lance would be here likely at the next meeting to be able to answer any other questions beyond that. So, any questions from you guys?

Burk I mean, I think it's a change that adjusts to the business that's there currently, right?

Plunkett Yes.

Burk Two years ago it was a completely different situation. South of Oak there is no parking on First anyway, right?

Plunkett That's right.

Burk So, I mean, does it even need to be spelled out?

Traylor Yes.

Plunkett Well there's parking there. So there's parking option, it's just, it's all loading zone for until, I think, 4:00.

Burk Okay.

Plunkett So.

Traylor It was a big problem.

Plunkett Yes, before.

Traylor And, Yes, and it's not perfect now –

Plunkett Right.

Traylor But it's better.

Burk Okay.

Plunkett Yes. Heather, is there anything you want to add to that?

Harris Nope.

Choi Motion to introduce on first reading.

Plunkett We got a first by Councilor Choi.

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.

Consideration of an Ordinance Amending the Traffic Code of the Town of Zionsville (Colony Woods) Ordinance 2023-03 (First Reading)

Plunkett Up next is Consideration of an Ordinance Amending the Traffic Code for the Town of Zionsville. This is specific to Colony Woods. This is Ordinance 2023-03. Again, similar to – many of you might remember we modified the parking options across from the high school due to drop off and pick up. This does the same thing only it does it on the west side of Colony Woods next to the grade school so as to eliminate – we’ve had different folks come to us talking about people trying to avoid the drop off line, parking there, their kids running across the street. Obviously that creates a little bit of a traffic hazard. In addition, we did reach out to the Colony Woods POA and they are supportive of this so, again, this is also on first reading and we would, we would hopefully have Lance here for the next one if there are any other questions but I’m obviously happy to answer them if there are questions from Councilors.

Burk I mean, to your question earlier about just enforcement, I mean, are these, are these going to be enforced? Is it enforced now over by the high school?

Plunkett Yes, I think it’s enforced pretty well over at the high school. Part of it I think is because we’ve got some SROs there too, right? I mean, it’s enforced pretty well. So.

Traylor I make a motion to introduce on first reading.

Plunkett First from Councilor Traylor.

Choi Second.

Plunkett Second from 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 Traffic Code of the Town of Zionsville – Golf Cart Ordinance Amendment **Ordinance 2023-04 (First Reading)**

Plunkett Up next is a Consideration of an Ordinance Amending the Traffic Code for the Town of Zionsville. This is the Golf Cart Ordinance Amendment. This is Ordinance 2023-04. This is also a first reading and in an effort not to continue down the same path of me introducing these, I would love for Heather to talk about this one.

Harris Sure. So, for those of you that served on the Council when we put in place the original Golf Cart Ordinance, one of the things we wanted to monitor over that period of time with some of the street restrictions is whether or not there were traffic violations or concerns with golf carts on some of the busier roads. So, as you may recall, there was sort of a swiss cheese effect of how you could get from point A to point B using a golf cart and some of the residents were unable to really access the Village or go certain places in the Town because you could go here but then you couldn't go here and yet if you were in the unincorporated county you could go anywhere so it was very confusing but at the time we were trying to balance the interest in having golf carts on residential streets with making sure that people were safely driving them, that we weren't experiencing other traffic concerns. So we put in place the original ordinance. I think what we've seen over time and talking, I know, Councilor Plunkett has had an opportunity to talk with Chief Spears, is we really haven't seen a lot of issues. People are complying with the rules and regulations, they're coming in.

We also did a look when we were putting together this amendment at all of our surrounding communities so we looked at Westfield and Whitestown and Carmel and Fishers just to get a sense of what they were doing and how we aligned. So a couple of changes that you're seeing is one is lowering the fee. We wanted to bring it into alignment with other communities to really reduce the fee to \$50 from \$100 as it exists today. The other thing is we wanted to do a two-year permit so that it's less of a burden on the residents but also less of a burden on our Police Department having to deal with paperwork when we have folks complying. It doesn't change any of the enforcement requirements so all the safety mechanisms that you have to have in place, working lights, a horn, any of those safety mechanisms are still required but it does basically eliminate all the street restrictions.

The other thing we wanted to make sure is that if people were crossing a major street that they were doing it at an intersection and in accordance with regular traffic laws so we did spell that out a little bit more clearly. We don't want people cutting across Oak Street when it's busy during rush hour where people aren't maybe paying attention that they're there. So this is, what this is really accomplishing, you'll see it's amending – one of the things we're trying to do is just kind of change the format a little bit of how we're approaching our code and our ordinances when we're putting them forward so this is amending the current section of code. So you don't see the whole ordinance, you should assume that everything else is still there but if you go into the code, you'll see our full Golf Cart Ordinance. So this is only amending the approved areas of operation and

then also the registration fee and then all of the other remaining provisions remain the same.

Culp So if I'm reading this right so that means that, that Oak Street and Sycamore between First and 116th – I guess that is 116th – you could drive anywhere now?

Harris Yes, so the exceptions are Oak Street, Sycamore Street, from First Street to Michigan, 116th, 106th Street and 96th Street but you can cross any of those roads at an intersection in accordance with regular traffic law. Does that sound good Councilor Culp?

Culp That sounds great.

Plunkett I think it's important for Councilors and the public to know, what I heard with this ordinance ever since we worked to put it in, so when we first started this, we had questions about enforcement – how easy is this to enforce? We had 18 different restrictions on riding a golf cart and some of them were literally a 100-yard stretch of –

Traylor Yes.

Plunkett Road, right? And I think at some point you get into a scenario where we have to – people who are operating golf carts, it's no different than when you're in a golf cart community whether you're doing it on the streets or anywhere else, you have to assume responsibility, it's got to be up to code, you've got to have insurance, I mean, you've got to be responsible with it, right? And what I was hearing from people was I can't get to downtown from my neighborhood unless I get on this trail, cross this driveway and you end up having people jumping out onto roads that they're allowed to drive but no one's expecting to see them coming out in those areas. So, this is really an effort to kind of just clean that up and make it easier for the Police Department to enforce, allow for additional connectivity. I do think that, so again, this is a first reading so I want to make sure, Pat, I appreciate what you were saying up here and I'm not opposed to that, okay? Just so everyone knows when we first put this in, the reason we left trails off was because the Parks Director at that time and the, I think, Lance even talked about getting emergency equipment on a trail. Like how do we – that was primarily for the Rail Trail though, right? So, it was a lot about if we've got people trying to share the road with a bicycle and a golf cart and there's a problem there, how do we get an ambulance down the trail to take care of these people? So what I would like and we can certainly continue to communicate about this, assuming this Council is open to moving this along, I would like to have additional dialogue over the next week with both Jarod, I see Jarod back there, with Jarod and with Lance and likely Chief Spears and Chief VanGorder about logistically if something happens can we get emergency equipment down there? Are these trails equipped to handle golf carts, etc., etc.

Harris Yes and I was just going to note for Mr. Cross and I'll want to research this a little bit more but my memory also is in addition to some of the widths of the trail, like we wanted to make sure – some of our trails are not very wide and some of the travelers on those trails are running with headphones and we want to make sure, you know, it's different than a two-way street when you should be

engaged in watching the traffic coming both ways – should be being the key term – but with, with the past there's a different expectation when you go running on a, on a path, right? Or on a trail. The other thing is we need to look at – and I don't know the answer to it, I just can't remember, it's been a few years – there also was an issue with motorized scooters. So the State of Indiana passed a statute that basically said if you allow for any motorized like vehicles –

Plunkett Well like E-bikes, electric bicycles.

Harris On a E-bikes, E-bikes, scooters –

Plunkett Yes.

Harris And so we had an issue with that once before because if you allow certain vehicles on, you have to – there's a statute that basically says you have to allow all of them on and so there, there is some issues there. We have an E-bike provision which basically says you still can't go above an expected speed limit of what a biker, someone on pedaling would be able to do but I do want to look at that because I, my memory is serving me that there was something related to that issue that created some restrictions. I did look in preparation for this conversation knowing that was something coming up in the community. There are communities that are allowing these kind of cross, specific crossings without going down a trail, similar to what we're doing with like Oak Street or others so there may be some middle ground with what some of the constituents are interested in but I think we will want to research that too and just make sure we've covered all of those bases.

Culp Yes, I mean, if I'm looking at Turkeyfoot Road, I mean, if you're telling me this passes you can go down Willow, why would I need to go down that cart path to get to Holliday Farms?

Harris I think there's that bridge that's there – am I right? Okay.

Plunkett Well I think –

Harris I remember a bridge situation.

Culp Well there, there is a bridge and there's pylons –

Harris Yes.

Culp So you can't go through there but if you can drive on Willow, I mean, the only neighborhood that really impacts is Oak Ridge.

Plunkett Yes.

Harris I think the thought is convenience of having to, having to go all the way –

Plunkett Yes, from –

Harris And around –

- Culp It's one neighborhood though.
- Plunkett From, from a convenience perspective and in full disclosure, Oak Ridge is in my current district so, I mean, that's where I'm hearing a lot of this stuff, right?
- Culp Okay.
- Plunkett And –
- Culp I was just saying –
- Harris Yes.
- Plunkett And I think, when we first started looking at this I was under the impression that when Heather started working on the initial ordinance, I was under the impression that even Holliday Farms was going to have that south entrance and it looks like that's starting to be finalized there, right?
- Harris Right.
- Plunkett So, I mean, that's starting to come along, So part of it was how do we and, you'll recall Willow Road was a restricted road, right? So how do we get folks up there, down here into the Village to shop, eat, etc., etc. all on their golf carts if they want to and also by, by lifting that Willow Road –
- Culp Yes.
- Plunkett Restriction, it does allow for that southern entrance. I don't think you'll ever, I don't ever want, obviously it's a state road so Michigan Road is obviously always going to be off the table, right? So, I'm sensitive to the fact that we're going to try to find different ways into Holliday Farms if we want to have golf carts accessible. So, I would say, Mr. Cross, I would say that, again, if you give us, depending on the outcome of this vote, you give us a week to work with Jarod and Lance and Heather do a little bit more research and maybe we can come up with something that's a little bit more amenable for what you want.
- Culp I would also worry that there's two spots that are going east and west that are part of the golf course now. If someone's hauling down going north on that thing, you'd have no idea. You'd get T-boned in like 2 seconds.
- Plunkett On the trail?
- Culp No, if you're on the golf course just trying to get from one hole to the other and someone's hauling down 25 miles per hour in one of these things you wouldn't be able to see them.
- Plunkett Yes.
- Melton I have a couple of talking points on that too – so we went from \$100 per year to \$50 for two years, is that correct?

- Harris That's the proposal, yes.
- Melton So that's the proposal. So, is the Police Department responsible for any inspections or anything on these or what's that \$50 do just curiously? Is it administrative just so we file and we've got this on file?
- Harris Yes, so it –
- Melton Okay, is there a check the box?
- Plunkett That's all it is. Yes.
- Melton Do you have license, excuse me – turn signals, headlights, do is that on the checklist?
- Harris So they have to do an attestation that these things exist. One of the things we don't want to do is put the Police Department or the Town in the position of saying whether or not someone's golf cart is in a safe condition. That's really the owner's responsibility –
- Melton Okay.
- Harris To do that. Our uniformed police officers, I think that was the original thought is we're not going to put them in the position of saying do your taillights work every single time?
- Melton But they would enforce if they noticed, if they noticed it wasn't –
- Harris But they would enforce if a taillight was out. Correct, exactly.
- Melton Okay. I just wanted to make sure that our \$100 a year going down to \$50 for two maybe shouldn't be \$50 per year, so stay at \$100 for two years but –
- Plunkett Yes, that –
- Melton We'll talk through that. You did some research on that –
- Harris Yes, it also is aligning to Whitestown, I think, which is –
- Melton Sure.
- Harris \$50 so for folks that are just right there on the edge and maybe have both it just seemed to make some sense to –
- Plunkett It was also an arbitrary number.
- Melton Okay, well –
- Plunkett I mean, in full –

Melton But, and it would be –

Plunkett In full disclosure it was an arbitrary number when we put this –

Melton It's arbitrary to me if they're not doing an inspection –

Plunkett Yes.

Melton If they're not being pulled from police duties or whatever.

Plunkett Yes.

Melton The other thing in, in the rural district just pointing out and Jarod might be able to talk on this and Lance eventually with, when, you know, the path construction matters. I'm under the idea that our city paths – excuse me – our Town paths are built to a standard. I know that a healthy standard, I know that maybe in some of the rural communities like Royal Run may not be able to sustain a golf cart on it for daily use so it was, it was designed for a walking path, bicycles, so just pointing that out and then clarity on the right-of-way, I think, might be important but I think Heather is saying we don't want to tell people how to react but knowing who has the right-of-way when a golf cart's coming versus that, that biker, I think, is important. I know when I was on the Monon Trail, you're getting ready to pass somebody that's walking you say "passing on your left." There's a whole process to try and make that safe. With a 4-foot golf cart it could be cumbersome so – just things that we should probably think about moving forward as well.

Burk I've got a few questions, President Plunkett. Do you know and you won't know this but maybe you do because you're constantly researching things that surprise me. Do we know the current number of permits of golf carts in Zionsville?

Plunkett I don't.

Burk Is there a minimum horsepower, for lack of a better term, these are electric –

Plunkett No.

Burk Generally. I mean, so I do have some concern. I've been in different golf carts and some can actually do 40 mile an hour and some can do 10. So, I mean, there's some, I mean, you can still put lights on everything else but I just didn't know if that's –

Plunkett Sure.

Burk Something we should consider that you can actually get to speed in some of these places. I'm thinking like Ford Road, it seems like that's a – so what I was thinking was where are the places that would correlate between a higher mph, right? And so I couldn't think of many but like is there some way to think about if it's, if there's a minimum mile per hour on that road for an automobile and it's say 45 miles an hour or something else, maybe we don't want a golf cart on that but this may be a way to look at it as far as like maybe Ford or –

- Plunkett Yes.
- Burk Any other road that may have a mph – that may be the only one. I’m sure you’ve thought about Ford but –
- Plunkett Yes, I mean, I think the only one that really as we started looking through this, the one that really stood out to me was the Sycamore Road from Main Street –
- Burk Sure.
- Plunkett To Michigan Road, right? I mean because that’s one that’s got a lower speed limit but as we’ve heard multiple times with residents wanting us to listen to lowering the speed limit there or maybe even warranting an increase, right? So that was one that we kind of wanted to make sure we avoided. When you start thinking about the Ford Road, I mean, the connectivity of folks on Ford Road to even get from their neighborhood to Sycamore there and come in the back side of Town that didn’t, that doesn’t exist either or Starkey, not Sycamore – you know, that doesn’t exist either. So you’ve got people that are landlocked in their different neighborhoods because of the restrictions on, on that road. Zionsville Road is another one. I struggle with that one a little bit and the number of phone calls or communication that I had with folks in Hoosier Village about being able to go from Hoosier Village into Town, I mean, that’s a big deal there, right? So, I think no matter –
- Burk Yes –
- Plunkett Whatever you do it’s going to be tough right because it’s something that –
- Burk Yes, I’m just trying to balance accessibility which people want to have –
- Plunkett Yes.
- Burk With public safety on –
- Plunkett Sure.
- Burk Some of these just don’t make sense to me.
- Plunkett Yes.
- Harris I was just going to point out so we do have golf cart defined in the same way it’s defined in Indiana statute which says it has to be outfitted for the purpose of carrying golf clubs and so there is some expectation in terms of design, like what we’re talking about. And then the other thing I was going to note, I think, maybe Councilor Traylor brought it up or Councilor Melton, I apologize, but somebody had asked about going across the fairway or something with the golf course – so we specifically exempt out private property and golf courses from our ordinance so the rules of like a private development, private land or a private golf course, those would be whatever the rules are for that piece of property for that property

owner. It doesn't mean you can't drive them if that property allows for it just means that their rules would trump in this instance.

Burk Heather, I had one other legal question – can I just sort of address the thought of using them on a trail which initially I wasn't, I didn't think would probably be a very good idea but I could see where there could be some exceptions. Is there a way for us in this ordinance to allow it within certain parameters of a trail and restrict it to others? Are we allowed to do that or is it kind of a blanket regulation on trails?

Harris No, I think you could restrict it the same way you restrict the streets today. So, in the current ordinance we restrict certain streets, even in this proposed amendment we still restrict use on certain busy streets that we know are busy.

Burk Right, right. I just didn't know if there was, like you said, a state statute –

Harris Yes, I think –

Burk Because you mentioned –

Harris Yes, I think that's the –

Burk Motorized –

Harris One, the one question, caveat, and I've seen other communities do that, right? Where they're saying you can like the City of Bloomington I looked at earlier today, it says you can, you can do it on this trail and this trail but you can't do it on the B line, you can't do it on the rail side trail but I think the question I just need to clarify my own memory is this whole issue of and Jarod is nodding at me so I know it's maybe an issue we got to look at is the scooters and the E-bikes and like what do we open up when we allow a motorized vehicle on a trail because it does trigger some of these other statutes and that's just something I need to get some more clarity. I remember it but not enough to tell you the details.

Burk I would just say my one concern on trails is all of us have probably had children out there, particularly young kids learning to ride bikes. My son was almost killed on a small bike hit by a large bike just because he didn't know what he was doing and I just see a lot of that. I'm on the trails all the time. There's a trail right behind my house. I would just be concerned in many places where there's a lot of young people, a lot of kids learning how to ride bicycles and not knowing how to react to a golf cart coming in at 20, 25 miles an hour. So, that's just something that's in my head initially why I would balk at this on a trail but it doesn't mean I can't listen to reason and change my mind.

Traylor Just a point of clarity because I don't want to confuse the public, the ordinance in front of us has nothing to do with trails.

Burk Exactly.

Harris You got it.

Burk Exactly.

Traylor Despite all this conversation has nothing to do with trails. So when I vote to approve this ordinance, it has nothing to do with putting golf carts on trails because I'm probably a hard pass on that. So –

Burk No, you're exactly right.

Traylor Just wanted to get that cleared up.

Burk It's been addressed as maybe something we would amend later so I just wanted to ask a –

Harris Yes.

Burk Question about it.

Harris You're right.

Burk You're 100% correct, yes.

Plunkett Any other questions from Councilors? I will make a motion to introduce Ordinance 2023-04 on first reading.

Traylor Second.

Plunkett Was that Councilor Traylor?

Traylor Yes.

Plunkett Second by Councilor Traylor. 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 Establishing the Position of Director and Deputy Director of Finance and Records and Reestablishing the Position of Municipal Relations Coordinator of the Town of Zionsville **Ordinance 2023-05 (First Reading)**

Plunkett Up next is a Consideration of an Ordinance Establishing the Position of Director and Deputy Director of Finance and Records and Reestablishing the Position of Municipal Relations Coordinator of the Town of Zionsville. This is Ordinance 2023-05. This is also a first reading and we are also going to have Heather introduce this.

Harris Okay. So I'm going to try to be quick but thorough but I can definitely answer any questions you might have. So, in our December meeting, I believe, Councilor Traylor you brought up the question of whether or not we could eliminate the Chief Financial Officer position from the Salary Ordinance and that prompted the discussion of the need to create then and reestablish the position of the Director of the Department of Finance and Records.

As we researched this, we knew there would be two positions within the Department of Finance and Records similar to how we had a Chief Financial Officer for the Town and a Deputy Chief Financial Officer. So, this is going back and reestablishing what we had in place prior to the creation of the Chief Financial Officer position in 2020. When we created the position of Chief Financial Officer eliminating the position of the Director of Department in Finance and Records, there was a new position created which was the Municipal Relations Coordinator. So this is not an attempt to change any of the duties of that position of Municipal Relations Coordinator but they're all pretty intimately intertwined because of our reorganization.

So just to give you the big picture, when we went through the reorganization of the Town in 2014 through Resolution 2014-11, the Government Modernization Act which gave the Town the authority to go through that reorganization says that when you reorganize a unit or when you're reorganizing more than one unit, you can eliminate elected positions but you cannot create more positions. The premise is that this is designed to create efficiencies in government not grow government and so what happened at the time is the Town chose to create the position of Mayor but because we couldn't add a new position, we eliminated the position of Clerk-Treasurer which previously was an elected position in the Town.

The duties of the Clerk-Treasurer, because we are still a Town still remain so all of the statutory obligations of the Clerk-Treasurer are still vested in the responsibility of the Town but our reorg transferred those duties to the Mayor and then in the reorganization stated that the Mayor shall transfer those to the Department of Finance and Records and then to the Director of Finance and Records as the department head of that department. So, when that happened and then when we created the CFO position, some of the duties of the Clerk-Treasurer went with the CFO position and that position as the director of that department, the department head still retained sort of the oversight authority for all of those Clerk-Treasurer duties but part of the position duties were assigned to this new position of Municipal Relations Coordinator and, specifically, those

were the duties of a Clerk-Treasurer that are to be the Clerk of the Town Council, managing the Town Council's agenda, doing the public notices, putting the postings in the newspaper, filing the ordinances with the County Clerk, all of those types of responsibilities are now vested in that Municipal Relations Coordinator position.

So since we're now eliminating the Chief Financial Officer position, you have to kind of keep all three of these stated at the same time because you've got to go back and separate how the Clerk-Treasurer duties are going to be divided among those different positions within the Town to kind of relate it back to our reorganization requirements and then the statutory requirements of the Clerk-Treasurer. So I know that's clear as mud but I tried to explain it as clear as I could but because of that, we created all three positions. The other thing we're trying to do, as you recall, is we're trying to go in and use this year as we've talked about during the last budget cycle, to modernize the entire code of ordinances and so one of the goals as part of that modernization is to get these department head positions clearly articulated so that anyone in the Town can go in and say okay what are the departments of the Town and then who is, you know, what are the duties that these directors have within those departments. So the duties that are listed for the Director and the Deputy Director are just parroting what you already approved for the job descriptions that Jo Kiel presented a couple of weeks ago. So really it's just the same duties and then it's taking into the Director position of the Department of Finance and Records those financial Clerk responsibilities and then it's moving the administrative Town Council Clerk responsibilities to the Municipal Relations Coordinator. Make sense? So it seems more complicated but it's just, kind of following to make sure all of these duties are covered that we're doing all of our statutory duties of Clerk-Treasurer are still being performed by someone and that it's clear and public and transparent.

Plunkett Are there any questions from Councilors for Heather? Heather, can you speak to just briefly the reporting of, of each one of these particular positions?

Harris Yes.

Plunkett Obviously, one of the things we've talked about in the past is just department heads and various authorities and such. Could you just speak to each one of these briefly?

Harris Absolutely, absolutely. And so and this is on first reading so, obviously, there may be feedback or changes that we, that individuals want to make prior to final reading. So, the current position of the Director of Department of Finance and Records is a department head. So we specified that clearly. That was already included in the job description. Jo Kiel confirmed that in her comments. That position reports to the Mayor and the Deputy Mayor within the Town. Technically the Mayor but then the Mayor can also delegate which is the Deputy Mayor.

The Deputy Director position reports to the Director of the Department of Finance and Records but ultimately is subject to oversight by the Mayor and the Deputy Mayor as well.

And then the Municipal Relations Coordinator position currently reports to the Mayor and the Deputy Mayor, but it also has responsibilities to the Town Council President because you're serving as the Clerk of the Town Council and so if you go into the Clerk responsibilities, you're taking direction from the Town Council in terms of setting the agenda, when do you post the meetings, when are the meetings going to be held. So one of the things we wanted to do is make sure that there was coordination of that position both in terms of, you know, if, for example, someone were to come in and/or God forbid Amy would leave and we would have a vacant position, we still need to have some role, the Mayor would still appoint that position because we're not, that's a mayoral appointment in, in her role under the reorg but we want to make sure there's coordination of that position being filled so that the statutory duties of the Council can continue. So then the goal also is because you have this sort of dual almost reporting structure where you've got duties to two different groups, part of your time going to one person and part of your time going to the Council, the other thing we included was some formalizing of having the Town Council President share with the HR Director of the Town any performance issues, any good, bad, indifferent, making sure that there was a formal communication structure for performance reviews since a part of the duties would be for the Town Council just so that we have good communications going both ways and make sure that, that the person whoever is serving in that role, the whole job is being represented in their performance reviews.

Plunkett Thank you.

Harris Yep.

Plunkett I also think, Councilors, we're going to see a lot of this right? I mean part of what we included in last year's budget was just the opportunity to rewrite ordinances and clean things up. I mean there's a lot of ordinances in this Town that just need to be modernized and use the language that we have with our current structure of government. So, Heather's going to be introducing a lot of these I would imagine in the coming future just so we, again, clean everything up and just make it all make sense.

Melton My understanding on the MAC or Clerk position, again, so that's not a head of a department because there's no department, there's no funding, there's nothing there so not a head of a department?

Harris Correct. That's correct, yes.

Melton Okay. And the goal is to have the Town Council President have some say in the performance and employment of that particular person?

Harris Yes, so the, it would still be selected by the Mayor just like any department head. Under the reorganization whoever is serving as the Mayor has the ability to appoint those positions and then it's creating a reporting structure so that the Town Council President for the Clerk duties. If you go back and it's clear as mud but if you go back into the Clerk-Treasurer role, that was a role that the Council had some oversight of whoever serves as the Clerk of the Council so it's trying

to encompass that in some sort of formal way and also making sure for the duties of that person that we're formalizing and sharing back with the HR Director, you know, this person's doing a great job or this is an area of concern.

Melton You're saying go back in the reorg –

Harris Go back into the stat, in, into, so the reorg already, the reorg doesn't have this position but we established this position with the 2020 Salary Ordinance.

Melton With the Salary Ordinance. Okay.

Harris Yes. Yes. So I tried to parrot that language but then add in some sort of coordination between the parties to make sure on, that they're collaborating on performance reviews and any sort of dismissal or suspension of that position because that directly would impact the Town Council if you don't have somebody in that position to do the Clerk duties.

Burk Heather, just to clarify – you said that, obviously, the Mayor gets to appoint heads but we also, this is not a head.

Harris Correct, that's correct.

Burk So, you kind of assume that the Mayor could appoint this position. Why would she appoint this position or the Mayor appoint this position if it were not a department head? Who, who, why would not the supervising manager be the hiring supervisor?

Harris I think the way I have it drafted, which you can always change, the way I have drafted it is just to literally take the way it was appointed in the 2020 Salary Ordinance and just relate here because it's got part of the Clerk duties that are still required under the reorganization. So that was my whole thinking in terms of adding this position into these other two was just for our code so you can say, if someone looked at it and said wait you're supposed to be the Clerk-Treasurer and do all of the statutory obligations of a Clerk-Treasurer where are duties A, B and C, so like the Director of the Department of Finance and Records, for example, in the Clerk's duties like in Cindy's position she's going to have the responsibility for doing the budgeting and making sure that the claims are completed, doing the reporting to the State Board of Accounts, doing the tax forms for the Department of Local Government Finance. Those are all in the list of Clerk-Treasurer duties and then there's duties related to being the Clerk of the Town Council which has been shifted into this position. So it's really just trying to make sure that if you or somebody walking in and you read our code of ordinance you'd say aha they're still doing everything that's required of a Clerk but this person does this and this person does that.

Burk No, that makes sense to me. It's just more of this used to be an elected position and so now being an appointed position, even though you're asking the Council President to have some say in that but not necessarily hiring for it.

Harris Right and some communities have it under the Council budget and then the position solely reports but this position is serving two –

Burk Like a hybrid –

Harris Yes. Amy gets two jobs for the price of one. She's serving as the Clerk of the Council and then she's also doing the municipal relations activities for the MAC.

Burk Right.

Harris So it needs to have, sort of serves two masters if you will. But it's just, in terms of the job description, it's the same as the 2020 Ordinance. The only thing I would say is in the 2020 Ordinance and Councilor Garrett isn't here but in the 2020 Ordinance it said it transfers all the, this was in the Salary Ordinance, it said it transfers all of the Clerk's duty to this new position which we quickly went back and clarified –

Burk Yes.

Harris At the time because you cannot do that under the reorganization so we had a "gentlemen's agreement" if you will that really we were only talking about the Clerk of the Town Council duties.

Plunkett And this just kind of memorializes that gentlemen's agreement and codifies everything –

Harris Correct.

Plunkett And puts it on the table. So.

Harris Correct.

Plunkett Thank you, Heather. Are there any other questions for Heather? Again, this is a first reading, right? I mean, I would certainly anticipate additional dialogue on this one as well. If there are no other questions, I would make a motion to introduce Ordinance 2023-05 on first reading.

Traylor Second.

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

All Aye.

Plunkett All opposed same sign.
[No response]

Motion passes 6 in favor, 0 opposed.

OTHER MATTERS

Plunkett Coming into the homestretch, are there any other matters from Councilors?

ADJOURN

Plunkett Otherwise, I would entertain a motion to adjourn.

Burk So moved.

Choi Second.

Plunkett First by Vice President Burk, 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.

The next Regular Town Council meeting is scheduled for Monday, February 13th at 7:30 a.m. in the Zionsville Town Hall Council Chambers. Please note the date shift due to the Zionsville School Winter Break so that will be this coming Monday. Final notice will be posted in compliance with the Indiana Open Door Law. Thank you.

Respectfully Submitted,

Amelia Anne Lacy, Municipal Relations Coordinator
Town of Zionsville