



**ZIONSVILLE TOWN COUNCIL
MEETING MINUTES
FOR
MONDAY, DECEMBER 19, 2022
AT 8:00 A.M. EST
ONSITE MEETING**

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

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

Council Members Absent: Alex Choi, Joe Culp

Also Present: Heather Harris, Town Council Attorney; Cindy Poore, Deputy CFO; Jo Kiel, Director of Human Resources; Jarod Logsdon, Parks and Recreation Superintendent; Amy Lacy, Municipal Relations Coordinator; and other Town Department Staff

OPENING

A. Call meeting to order

B. Pledge of Allegiance

Plunkett All right guys, I'm going to start this. I will now call to order the Monday, December 19, 2022 Town Council meeting. If you would please, stand and join me in the Pledge of Allegiance.

All Pledge of Allegiance.

APPROVAL OF THE MEMORANDUM OF THE DECEMBER 5, 2022 REGULAR MEETING

Plunkett All right, up first is the approval of the memorandum of the December 5, 2022 Regular Town Council meeting. A copy has been posted. Are there any questions from Councilors?

Garrett I'd make a motion to approve.

Plunkett First by Councilor Garrett.

Zionsville Town Council
December 19, 2022

Burk Second.

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

All Aye.

Plunkett All those opposed same sign.
[No response]

Motion passes 5 in favor, 0 opposed.

APPROVAL OF THE MEMORANDUM OF THE DECEMBER 7, 2022 SPECIAL MEETING

Plunkett Up next is the approval of the memorandum of the December 7, 2022 Special Meeting. A copy of that has also been posted. Any questions for Councilors? I'll make a motion to approve the memorandum.

Burk Second.

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

All Aye.

Plunkett All those opposed same sign.
[No response]

Motion passes 5 in favor, 0 opposed.

APPROVAL OF THE DECEMBER 19, 2022 CLAIMS

Plunkett Up next is the approval of claims. Cindy, I know I've got a couple of questions about claims and I'm assuming there's some other folks up here that do as well.

Poore Morning.

Plunkett Morning.

Poore Cindy Poore, Interim CFO.

Plunkett I had, a couple of claims that I had, there are a number of, it looks like maybe they're purchase card transactions that are under the Mayor's budget but it has someone else in there. Do, do those folks – so, for example, it has let me find the exact ones I was looking at here – so under, so in General Account 160 Mayor it'll say, for example, Johnson, Panera, lunch staff volunteer event. Is, do, do those folks have the Mayor's card or do they have their own card? Is that, was that budgeted in the Mayor's budget initially? How does that work?

Poore They have their own card and Carol Johnson, her Executive Assistant, works underneath her budget and so with those lunches and so forth, those are out of her promotions line and so yes they were budgeted.

Plunkett So then when this one has Kellie, the former CFO, Kellie Adams uses her card and that's also under the Mayor's and not –

Poore It was just, not generally, but it was – each department had their own holiday luncheon and gathering for their staff and the Mayor paid that out of her promotions budget.

Plunkett Okay. How many P cards do we have outstanding right now? Do we know?

Poore A little over 100. We find that with the P cards having each individual's name on there if they swipe it they're accountable whereas before when we had a program of checking the card out for a department it could go through five sets of hands before it came back to us to be logged back in and there a lot of issues as far as not, not knowing where receipts were coming from because somebody would lose it, we didn't know who used it and so even though it sounds like a lot and, yes, I know it sounds like a lot – if they swipe it, their name's on it. I see everything that goes through there. Another person on my staff sees everything that goes through there so, the card can't be used without us knowing about it.

Garrett Cindy –

Poore Yes.

Garrett Could you and I know you're busy so this is not like an immediate ask but could you maybe find out when it comes to P cards, like what's the best practice? Because when we approved these P cards, it was sold to us as a best practice and something that the state was pushing.

Poore Yes –

Garrett A lot of things were sold to us as best practices that, and not by you, that we found out were not. When we talked to the state about concerns with the finances, one of the feedback I seem to remember getting was their concern at the number of P cards –

Poore Yes –

Garrett That were outstanding and, and was not a best practice. They were recommending against that. So I certainly understand the benefit of, and your rationale of each purchase is tied to an individual versus kind of that shared card but I also am nervous when you just have that many P cards out there that spending becomes too convenient and then maybe there's less checks and balances. So, if you can just sort of add that as a future to do to come back –

Poore Sure.

Garrett And say like, all right, this is really what the state recommends. Who should get them and at what level? I would like to adjust the program if the best practice shows that we have too many or too few or maybe we have the right number.

Poore Okay.

Traylor And –

Plunkett Yes, I just got, I just got another one here – there was, this is the second consecutive claims where we've seen something like 806 Payroll Non-Department Direct Deposit to PNC for like three hundred and some thousand dollars. Is, is that – I know when we went through the State Board of Accounts audit they had a lot of concerns with the payroll account –

Poore Yes –

Plunkett Because it was negative for 6 consecutive months. Are we – there's no other description other than Payroll from Non-Department. I'm just wondering why it's coming from the Non-Department. Should it be coming from, from a specific budget, from a specific department to a specific department? Is it –

Poore Well, the way the payroll works is it comes out of the budget, it gets receipted to the payroll account which is the passthrough and then the salaries and payroll bills and so forth are pulled out of the payroll account which is a non-departmental because it's already been pulled from the specific departments' budget. So it's kind of, so you're actually generally seeing those things twice on here. You're seeing it come out of the budget and the budgeted funds in departments and then you're also seeing it come out of the payroll passthrough account.

Plunkett So when we see payroll in each individual department, that's a reflection of this? It's being counted twice on the –

Poore It's, it's accounted twice and there was no way around that and we explained that to the State Board of Accounts but they said it still needed to be on here.

Plunkett Okay. I think that's all I have.

Traylor I know you're aware of my –

Poore Yes –

Traylor Big concern so I'll, I'll give you the floor and let you explain the 6 Community Enrichment Grant claims that are on there and –

Poore Yes, I'll explain it as clear as I can. I spoke with Bryan on Friday. We had had a lot of issues pulling the claims docket this time which we know is, is not unusual but as we pulled the claims docket, you'll find that in Fund 282 there are 6 items that were for the Enrichment Grants. That is a duplicate and those were approved in, I believe, it was October and I cannot explain how they are on there because we, we pull by dates and so forth but the, those 6 for Fund 282, and it's the only ones listed for Fund 282, are duplicates and the claims need to be considered less those.

Traylor So, with that in mind, Councilors, I would ask you to not put your claims sheets away just yet because when we get to Town Council Update, I have, have something I'd like to come back to regarding those Enrichment Grants.

Burk Cindy, were the organizations that were set to receive those funds, have those checks been disbursed and have they received those?

Poore Yes, those were disbursed right after they were approved in October.

Burk Okay.

Poore Yes.

Plunkett I also noticed, and I think Councilor Traylor brought this up at some point last week, there's a \$3,000 claim to Ice Miller that's just simply for legal fees and professional services under the Administration. Do we know what that was for?

Poore That one I would need to look up. I don't know specifically right off the top of my head.

Traylor I do have a copy of the invoice. It was, it, the invoice said mayoral general projects. So, and my thought is that's what we have a retainer with Whitsitt & Noonung for –

Plunkett Yes.

Traylor So I don't, I have no idea – that's just what the description on the invoice was for.

Plunkett Hmm.

Traylor And I would, and I, yes, I would recommend omitting that one until –

Plunkett Yes.

Traylor We get some clarification on it.

Plunkett So, to be clear, on – are there any other questions from Councilors on claims?

Traylor Just one – we have the invoice for, sorry, I forget the name of the firm, but Brian Bosma's firm for the district mapping. Do we know if that's our final bill? That is the final bill?

Plunkett Yes.

Traylor Okay, so just for public record, I know there was some concern on how much that was going to cost because it was capped at \$60,000. The total amount ended up being \$45,108.87 and that does include \$10,000 to a mapping consultant. So, actually going to the firm would be \$35,108.87.

Poore Bryan, my understanding is that there might be one more but it was around \$5,000.

Traylor Okay.

Poore That we were going to encumber.

Traylor Okay.

Poore That's my understanding anyway.

Traylor All right. So that's to date. There may be another one coming.

Poore Right.

Traylor Okay.

Poore Yes.

Plunkett Any, any more questions from Councilors? Craig, you look like you're going to say something.

Melton I'm good.

Plunkett All right. So, I would make a motion to approve claims less the Ice Miller \$3,000 professional services and we would then need to modify, obviously, for the Community Enrichment Grants as well and remove those.

Poore Right.

Plunkett Correct?

Poore It would be less Fund 282.

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]

Motion passes 5 in favor, 0 opposed. Thank you, Cindy.

REQUEST TO SPEAK ON AGENDA ITEM

Plunkett Up next is a Request to Speak on Agenda Item. Do we have a request to speak on agenda item?

Lacy No we do not.

BOONE COUNTY COUNCIL PRESENTATION

Plunkett Up next we have a presentation from the Boone County Council. We have President Elise Nieshalla, Jennifer Hostetter, Aaron Williams and Kent Eastwood.

Nieshalla Good morning. It is wonderful to be with you. Thank you for the great work that you do for the Town of Zionsville. It is our privilege to be with you this morning and offer our great appreciation for many projects where there has been collaboration between the Town of Zionsville and Boone County. So each of us have a little bit to share and then I'm going to hand it off to Jennifer Hostetter as she needs to take off here very shortly.

Hostetter Good morning.

Plunkett Good morning.

Traylor Good morning.

Hostetter Jennifer Hostetter, County Council District 1. I just want to thank the Town Council for the collaboration on the Safe Streets for All Grant application for 975, the roundabout at 975 East and 300 South. We are expecting notice of that, that award in January. So I just wanted to thank you. I have to be in Noblesville by 9 so I'm going to get out of here.

Traylor Thank you.

Plunkett Thank you.

Eastwood Boone County Prosecutor Kent Eastwood. I'm just here to talk briefly about our collaborative efforts with the Police Department and their support of those, those things. And you're going to hear more about this at the beginning of the year. We're gonna, we're creating the Boone County Child Exploitation and Child Abuse Sex Task Force it's called the CASE Task Force. It's one of those things where we've seen across the State of Indiana and across the nation, in fact, just a, an explosion of child sex abuse cases and child sex abuse material being shared and so we've created this Task Force. Zionsville is giving us a detective and it's also part of your claims you saw they're helping us out with some of the building costs. Everyone's chipping in, everyone throughout the county. My office is chipping in money, my office is chipping in an Investigator, a full-time prosecutor. The Sheriff's Department is chipping in, I think, one investigator now and another dedicated to us by the end of the year, a cyber tech person. Whitestown is – we're going to use their space for the next five years. They've got a – if you ever went to their, their new police station they had a whole part

that was, was un, undeveloped and so that's where we're, we're going in those spaces and that's where some of the cost went to on the claim that you guys just approved. So this is just one area of great collaboration between the Boone County Prosecutor's Office and the Zionsville Police Department and we've talked about other things in the future that we kind of want to do, so you might see my face down here once in a while talking about some of those efforts. So thank you.

Williams Well, good morning. How are you all?

Plunkett All right.

Williams I believe Councilor Garrett got the memo for Christmas attire and the best college to wear so thank you, sir, for that. Well good morning. My name is Aaron Williams. I represent Boone County Council District 4 which comprises of Zionsville and Whitestown but I wanted to extend my sincere appreciation on behalf of my constituents for the Big 4 Rail, the Trail. That is a huge connectivity part. We've heard it time and time again that connectivity is an integral part of really what makes us a great community. So, thank you all for your support on that. Also, thank you to Chief Spears and Captain Sterling. I got to hang out with them a little bit yesterday for the great work that ZPD continues to do and I believe I owe Mr. VanGorder and his staff a hearty lunch for bringing Santa Clause to our communities over the last week which I think is a, an amazing attribute of really community relations building. I'll finish on this – ask someone who firmly believes that we are here to represent our taxpayers and the money that we all so diligently try to make sure is spent in the most fiscal manner. I commend all of you for just the process that you just went through over the last few minutes. You think about the tight times that we are in and what could be, I guess some say is a recession now but maybe something worsening, to have that kind of diligence to just understand and go with a fine-toothed comb all of the expenses that taxpayers are paying. They are working hard every day. I commend you all sincerely and wish that we at the county level and other municipalities would take that same diligence. So, a happy holidays to you all and for those, I don't want to be offensive, and Merry Christmas as well. Thank you.

Nieshalla And lastly, I just want to thank you all for the collaboration with the local road and streets funds. Those funds, part of them, come to Zionsville for the rural area that the county is responsible for maintaining and sir, Councilman Garrett, back when you were President, thank you for the meeting that we had along with our highway engineer to talk about those funds coming back to the county for us to be able to do what we're responsible for and that's been a great partnership and we really appreciate those funds coming back to the county on a yearly basis. So thank you for the opportunity to be with you all this morning and we do appreciate all the ways that we get to work together. Thank you.

Plunkett Thank you.

Traylor Thank you.

Nieshalla And our regrets – we all need to leave to go to other meetings this morning so we're going to make an exit now but thank you.

Burk Thank you.

Plunkett Appreciate you guys taking time to come out and we, we do appreciate the relationship with the county. So thank you so much.

MAYOR/ADMINISTRATION UPDATE

Plunkett Up next is the Mayor/Administration Update. I did not receive anything from the Mayor or the Administration so up next would be Town Council Update –

Garrett President Plunkett – we moved these meetings. This whole Council moved the entire meeting, delayed the start of our day to accommodate the Mayor’s schedule to come give us updates and to answer questions and she just doesn’t show up anymore. Can we go back to the original schedule next year? I mean, if she’s not going to, if they’re not going to engage with us there’s no point in delaying these meetings for her just to not show up. Now she doesn’t come out to the evening meetings, now she’s not coming to the morning meetings even though we’ve moved it based on the time she said would work so, I would ask that we not delay everyone’s days anymore and go back to the original schedule if you’re okay with that.

Plunkett Well we have the last item would be the approval of the 2023 Public Meeting Schedule –

Garrett Great.

Plunkett So that’s certainly a time to modify that as needed.

Garrett Very good.

TOWN COUNCIL UPDATE

Plunkett Up next would be Town Council Update.

Melton Yes, I’d like to give an update on a couple things that I’m a part of on the Town Council. I just want to encourage the public to please visit the website of the Boone County Solid Waste District. There are many opportunities annually to recycle and dispose of those electronics and leftover paints. Be sure to sign up for the update emails for future tox drops. I want to say thank you to the Zionsville DPW and I believe the Police Department too for hosting several of these events at the Boone County, for the Boone County Solid Waste District. Also in 2022 several of the Executive Board Members actually toured the Ray’s Recycling facility and it was an amazing opportunity to see and meet actually the employees of the facility. The sheer size of the machine itself was impressive and it’s so high tech – the separator. It was just encouraging to see as, as we recycle more and more materials. Also remember when you’re visiting the district website that we offer municipalities, libraries and businesses, community grant opportunities for their special projects, special receptacles, benches, different

kind of grant opportunities are there on that website as well. Really enjoyed serving on that Board with President Plunkett and I look forward to continuing to serve on that district Board.

Another update real quick is from the Pathways Committee. First, I want to thank all of the committee volunteers on the Pathways Committee. In 2022, the Pathways Committee has met almost every month and is working hard to maintain and possibly increase the town's bicycle friendly community designation. The official deadline for that submission has been extended and I want to thank the Zionsville DPW, Parks Department, Planning Department and Zionsville Police Department for helping the committee with the required technical information that is required on that submission. Moving into 2023, we will be reviewing the Pathways Master Plan, pursuing funding for a trail counter on the Big 4, the great Big 4 Rail Trail that Councilor Williams spoke on with hopes of providing us with useful information that we might use for future grants and awards. We have some additional openings for volunteers on that committee in 2023 if you'd like to be considered for an appointment, please reach out to me. Thank you.

Plunkett Thank you. Councilor Traylor –

Traylor All right, I've got a couple. One, I would like to ask if we have any update on the legal expense insurance claim for our Chief? Do you know anything?

Plunkett I had a conversation last week with Zurich on Wednesday and I think I was able to, the initial conversation the folks at Zurich had stated that they had been in communication with the folks that represent the town and the Mayor and I was able to reach out to them and let them know that they've not been in contact with anyone that represents the Town Council and shed some light on, on our perspective there. So, my understanding is they're going to reach out to all attorneys from all parties – the Mayor's, Zurich, Fire Chief's, ours and, and begin that communication.

Traylor Okay. I would ask that if nothing – if there is no resolution to this by our first meeting in January that this \$82,082 claim be on our second meeting claims in January. I think it's beyond time to get this done at least for, for the Chief and we can continue to take it up with the insurance company if we so need.

Plunkett Can, can we ask, Heather, the attorney who is, I guess when, when I speak to Zurich they referred to him as the defense attorney. Can we ask him to come to the Council meeting and give an update?

Harris So you're talking about the Chief's attorney or –

Plunkett No, this is the guy at Rominger.

Harris Yes, you mean, so the insurer's attorney?

Plunkett Yes.

Harris Yes, I mean we could.

Traylor I'll also be doing a, a Freedom of Information Act request on anything related to this claim just so you're aware.

Plunkett Yes, very good.

Traylor I have a, another topic to bring up. So, in the claims I asked you guys not to put away your claims sheets quite yet. We have a problem, I think, and perhaps somebody can correct me if I'm wrong but I don't think I am. So the, in the Community Enrichment Grant line items that showed up in error on our claims sheet, it kind of prompted me to look into them a little further. They stood out and I started going down the rabbit hole. Keep in mind, these were approved by the Community Enrichment Grant Committee and then signed off on by the Mayor and then they came to claims. So they were signed off, there's a, a contract on all of these between the recipient and the Mayor that was signed on September 28th of '22. We, as a Council, approved the claims that got these paid on October 17th and typically we don't, we don't get the packets for the applicants on the, on the Community Enrichment Grants. We had one that we paid \$19,000 to that is based in Lebanon. It's a Lebanon charitable organization that does not do business in Zionsville. I'm leaving their name out intentionally because they did nothing wrong. I'll just be real clear the recipient of these funds they did nothing wrong. I feel like they were given bad information but we paid out \$19,000. It's a theater, it's a charitable theater. I have nothing against theater but our – I want to read, these funds come from the Food and Beverage Fund and I want to read the excerpt in this, I'll read it in its entirety the use of tax revenue from the Food and Beverage Fund.

It says: "Funds collected and deposited in the Food and Beverage Tax Fund by the town shall be solely for the creation and enhancement of any public facility or infrastructure improvement or to fund initiatives intended to promote the town and its businesses and for no other purpose unless the terms and conditions of this section are amended by ordinance."

They've not been amended by ordinance so my interpretation is we've got a theater that does business in Lebanon. It is not doing anything for our town and the businesses in our town. It's my personal belief that that should, that claim should never have been paid and that it should never have been approved by the Community Enrichment Grant Committee nor signed off by contract by grant contract by the Mayor. So, I don't know if we can do anything about that at this point. I looked at the agreement, the grant agreement. I, I just think if nothing else, we need to be really, really watching every little thing that's coming through here because this slipped through because we don't get the agreements or the applications for the Community Enrichment Grant. I did ask the Mayor, I told the Mayor, the Deputy Mayor and the Mayor's Executive Assistant that I would like for a member of the Administration to be made available to answer questions on this this morning. I was told that the Mayor nor the Deputy Mayor would be here. If there's anybody else from the Administration that's been sent on their behalf I'm unaware of it. You're welcome to come up if you've been sent on their behalf. So there is no one from the Administration to answer questions on this.

- Melton I have a comment on that, Bryan, and, and we have an ordinance set in place, we gotta follow the ordinance 100%. Back to the theater that's involved in this, I do want you, the rest of the Council and everybody in the public to know that theater does cater to Zionsville residents. Obviously, it's a theater from that perspective, but also I do know from living in my neighborhood for several years that there are, there are quite a few kids and adults that actually live in my neighborhood that are a part of that theater as well. So I'm just throwing that out there from a cause-and-effect situation. It may be disconnected but the law is the law with regards to the funding so I can appreciate that I just wanted to kind of back track what you said. It doesn't serve our community but I think there is a little bit of a connection a little bit closer than than you might have just expressed. So that's –
- Traylor Yes, I mean I –
- Melton I'm just throwing that out there.
- Traylor I understand kids go up there and participate in the theater –
- Melton From, from Zionsville.
- Traylor Right but by the ordinance –
- Melton I agree.
- Traylor It does not meet the statute to get food and beverage funds. It does, the theater does get funded by food and beverage funds from Lebanon as well. So, like it's, I think that that's appropriate. I think funding maybe even from the county level is appropriate but by our Food and Beverage Tax Ordinance, that funding should not have happened.
- Garrett You know, the irony of that I'll tell you, Bryan, is the timeline you gave which was the contract was signed and then it was brought to us for payment. I can already see the conversation right now where you say we're not allowed to pay it per the ordinance and the Mayor will say well, I've already signed the contract we'll get sued which was the exact same argument when you pushed back on the renovation of her office –
- Traylor Yes.
- Garrett Because it was out of a fund that was not appropriated and said well look, we signed the contract, you can't now not pay it so. That whole process is broken.
- Traylor Right. And so at, at the least and I'm not sure if, stop me if I can't do this, Heather, or, or President Plunkett, but I would like to make a motion that we, as a Council, agree not to fund Community Enrichment Grant dollars without a presentation to Council.
- Plunkett Yes, I mean –

- Harris Yes, do we, so I think – I am, this is – I’m trying to catch up here but I was looking online so – we have it currently defined in our ordinance the use of food and beverage tax, right? Is that what you read from?
- Traylor Yes.
- Harris Okay.
- Traylor That is what I was reading from.
- Harris So what I would recommend and I’m happy to have this prepared for the first January meeting – I’d recommend we go back and put in place in the ordinance a process for review by the Council prior to distribution so that we can delineate there –
- Traylor Okay.
- Harris If that’s okay?
- Traylor Yes and –
- Harris I just want to make sure it’s clean and that there’s no confusion of what we’re trying to accomplish so.
- Traylor That, yes – and I did go back and try to figure out the existing process with the Community Enrichment Grant Committee and that was essentially just put in place by the Mayor. There was, it didn’t, we didn’t approve anything. It was just put in place. We have two appointments to that committee which is great but I don’t feel like they’re being – I’m going to guess and this is strictly a guess, that they didn’t know, they’ve never read this ordinance.
- Harris Yes, I do, I recall a couple of years ago maybe now that there was discussion and some concern by the Council about the fact that folks weren’t coming to the Council for approval of those grant opportunities and it definitely is a fiscal function of the Council to, to ensure the expenditures are made in accordance with the tax guidelines so I think what I’d like to do, if it’s okay with the Council, is work with Councilor Traylor on the amendments to the ordinance and we’ll prepare a draft and hopefully have it prepared for that first January meeting that would put in place a process. We’ll go back and research the statute so we know exactly what the law requires in terms of expenditure of funds that way I can share that information out with the Council so you’ll know like what’s allowable and not allowable and then the process. There’s also a process that the Department of Revenue recommends because they actually collect the tax and then remit it back to the town and we had some discussion with them a few years back about the accuracy of the remittance process –
- Traylor Yes –
- Harris Because we have these kind of mixed-up areas between Whitestown and Zionsville and they were sort of being allocated to the wrong community so maybe just a, a wholesale look at that wouldn’t be a bad idea. It’s been a couple

of years. I think Amy and I worked on that a couple of years ago, four or five? Time flies but so, if that's okay, I'll work on that and Councilor Traylor, I'll get you something but I'll get the full Council kind of here's the what you can use it for and that way as you're thinking through the revisions you know what's allowable.

Traylor And if, I mean I am not an attorney, obviously, but if I'm correct in that these were basically misappropriated to an organization that they should not have gone to, at that point would we need to self-report that to the State Board of Accounts or do we, I mean, I don't - and maybe that's something yet to answer at a future -

Harris Yes -

Traylor Meeting because -

Harris Yes, I need to double check in terms of what are the allowable uses and then can you use them, if you're using, using them for a project outside the community. Obviously, it's not consistent with what you read from the ordinance -

Traylor Right.

Harris But from a State Board of Accounts and I know Cindy's here. Usually you'd just put some sort of memo in the file with the claim so that there's an explanation and then a remedy of how you will address it going forward so that the State Board of Accounts understands you've identified the issue or concern and then you've remedied it or have a plan to remedy. So I don't think we have to "self-report" per se but I do think it's important to know what process we want to use.

Melton Are you requesting that the Community Enrichment grantor come present to us?

Traylor Correct.

Melton Okay. Not, not the receiver. So these -

Traylor No, I mean the organization themselves. I'd like for them to come and present to the Council.

Melton The appointed organization?

Traylor Correct. Because they were, I mean, that's the way it always was prior to -

Melton It's free PR too, right?

Traylor Yes, yes, yes. They, they can advertise their organization but prior to December of 2020 any food and beverage funds that were given out to an organization, that organization had to come to the Council to make the request so that's - I think had that still been in place this one wouldn't have slipped through the cracks.

Burk Councilor Traylor, let me ask you this - I don't disagree. Obviously, it kind of nullifies the need for the committee if we're, if they're coming before us and maybe that's okay by where you're going with it but, I mean, do you think an

alternate solution would be to have a Council member on that body that way there's that check and balance and you don't have to duplicate presentations or decisionmaking?

Traylor I think that would be a good step but I like the idea of 7 members of the Council hearing it because sometimes we hear things a little differently and it brings up – I might hear something that that you wouldn't or vice versa so – and we can't do anything about the and, and because the Enrichment Grant Committee is set up as a mayoral advisory committee so we can't do anything to take, you know, to eliminate that but I think obviously by what has happened here, we need to have a stronger, stronger checks and balances in place.

Melton So it's almost about \$45,000 just in this, in these claims here that were, that were given out and I believe in Zionsville is it a 2% food and beverage tax? Is that, is that right?

Harris I think in Boone County we have a 1% –

Melton 1% and then Zionsville has 1?

Harris But we have 1% that goes to the state as part of the Interlocal Agreement for the CIB which runs Conseco, Banker's Life – that's an old –

Melton Yes.

Harris Like everybody opted in, I don't know, 15 or so years ago, maybe 20 years ago.

Melton So I guess my connection is that we're all paying these taxes so we need to, I think we need to know where the money's going since it's our money and I think, a presentation here – I don't mind somebody on the Council being on that as the liaison but I do believe that, again, these meetings are very important for multiple reasons: One, the claims we're watching our money but then also these, these organizations that, that are serving our community or serving our adjacent communities, whatever, I think, I think it's important that they would, it would be presented to us as the fiscal body.

Harris Yes and I might, I might just say a couple things else related to this – I think a more common process when you have a, a Mayor, you know, Administration is that the Administration would make recommendations to the Council and then you could have presentations. Sometimes the organizations would come in and/or you could just have them directly before the Council but the Council is always approving the actual expenditure of funds. The other concern, obviously, is which we have talked to the Administration about, is signing contracts before the claim is approved which we have had numerous examples of but that's something that, you know, just – we, we should not be encumbering the town for expenditures. Sometimes we'll have exceptions. For example, I know, I think Police and Fire have had issues where they kind of lock in like a MOU but they're not actually obligated to spend the funds, they're just like securing pricing or that might happen in other departments too.

Melton Is there any way to include in the contract if the, if the Council approves or, you know, at, at the approval of the Council? I mean –

Traylor If the Mayor wants to include it.

Melton So, that's the Mayor who creates the contract, the contract has to state that so she's likely not willing to do that but that's a, that's a conversation we could have. But that would, that would prevent the check from going out until the claims are – and that's a state requirement, right?

Harris Yes, correct.

Melton So the checks shouldn't be going out until we approve the claim.

Harris Correct, yes.

Melton So these are, this is another tale of the last few years. I think that should be included in all of these contracts that we, you know, it should be a requirement. Maybe that's an ordinance that we create that says any contracts that are made with the Town of Zionsville are required to have that statement at the end of it.

Harris About proper appropriation of funds? I just want to make sure I –

Traylor Yes, and just a reminder that I made the Administration fully aware that this conversation was gonna happen here, asked them to have somebody, anybody – I said it would be great if the Mayor were here because she, she executed the contract. They chose not to send anybody to have this conversation so if anybody gets upset that we're making changes without the Administration's input, they had their opportunity.

Plunkett So it's clear we've spent 39 minutes now talking basically about finance. We went through a State Board of Accounts audit where the State Board of Accounts mentioned in their findings that the unit, which is the Town Council, should investigate the town's finances. I've received three text messages since we've been doing this. No doubt I'll get more emails as we all get on a regular basis asking the question what can we do? What's next? Obviously, the responses we've been giving people is there's an election this year or next year but the reality is, I don't think we have time to wait until that election. I don't know the process, Heather, for – I've never had to hold an RFP. I've never had to ask someone to come in and audit the town's finances but if the Mayor's going to stand up here in budget meetings and tell us all that everything's fine in the town then why don't we find someone to come in, an independent firm, not, not people in the town, not Crowe, someone outside of it that's not been a part of this for the last 2-1/2, 3 years to come in and do what the State Board of Accounts recommends and that's audit our finances. I mean, I don't know if, obviously, if it falls under the financial requirement of the RFP maybe I can reach out and find somebody and have a contract to the Mayor and if she's gonna say that everything's fine then I would imagine she would have no problem signing the contract. So, what's the next step in that?

- Plunkett Or does Barnes & Thornburg have a forensic accounting –
- Harris We do not.
- Plunkett Department?
- Harris We do not. So we'd need to have somebody that would be independent like an accounting firm. I can reach back out; I know we had this conversation once before with the State Board of Accounts to see what they recommend in terms of a next step that might be – in terms of like an RFP or some other authority to do that.
- Plunkett Yes. I would appreciate that. I mean, it's clear that our frustrations are not shared by the Administration so I think that's the next step for us. That's certainly the next step for me so.
- Garrett Councilor Traylor had thrown a motion out there. Does that need to be seconded or withdrawn or does that not matter?
- Burk What was the motion?
- Traylor I think –
- Plunkett To have them come here.
- Traylor Yes, I –
- Garrett I'm happy to second it but if there's nothing to vote on –
- Harris So I think we've solved that by, we're going to research for the full Council sort of what is allowable under the food and beverage statute and then put some revisions in place in our ordinance including a process and then bring that back for the first January meeting.
- Traylor So I'll withdraw my motion.
- Plunkett Any other updates from Councilors?

OLD BUSINESS

Consideration of an Ordinance Establishing the Compensation to be Paid to Officials and Employees of the Town of Zionsville, Indiana for Calendar Year 2023 Ordinance 2022-24 (Final Reading)

- Plunkett Moving along to our first item of Old Business is a Consideration of an Ordinance Establishing the Compensation to be Paid to Officials and Employees of the Town of Zionsville, Indiana for Calendar Year 2023. This is Ordinance 2022-24 and we have Jo Kiel here. Good morning, Jo.

Kiel Good morning. Third time's a charm. I think Heather was going to review some changes.

Harris Yes, if that's okay? So you should've received last night a red-lined version of the Salary Ordinance, the actual ordinance itself. It would've gone to your Zionsville inbox and I know that Amy has a copy of the final one so I sent you two documents –

Garrett Heather, I didn't get that.

Harris You didn't?

Burk Yes, I was just looking and I don't think I did either.

Harris You got it Amy?

Lacy I got it.

Harris Okay. So it didn't reach you all? You want me to send it? I can walk through it. It's what we talked about last time but let me go ahead and send it real quick while a, I'll send it individually to those of you.

Burk Would've it come from you Heather?

Harris It would have. Let's see – Burk. Okay, you should have it in one second. So what we're trying to do here and I want to thank Jo for working on this with me – we wanted to really kind of modernize some of the language that's currently in the ordinance. This is a form, in fairness to Jo, that we've used for a number of years so she was simply kind of following a format that the town had used and I think what we've recognized kind of going through this process is that in advance of even next year as we're looking at the 2024 Salary Ordinance, we want to make some additional changes. So, historically we've always, for example, just cross-referenced our Employee Handbook for things like how do we calculate paid time off or how do we calculate additional stipend compensation, what are the required hours for full time and part time – so in looking at the statute, it really talks about the fact that the ordinance shall include those items and so I think what we'd like to do in preparation for 2024, which is hard to think about, but is that we would pull those directly into the ordinance itself and so as we're cleaning up ordinances next year and as we're looking ahead, I did want to just share that back and I know that, that Julie Johns-Cole and Jo and Jason and I have spent some time talking about that and I think there's some agreement that we all, we need to kind of look at this more closely. So, does everyone have the red-line now? Can you pull it up?

Garrett Yes.

Traylor Yes.

Harris Okay, great. So in the first you'll see that we're simply making a few changes to the whereas clause so that it would read that the Town Council by ordinance is

required to fix the compensation of its own members and provide reasonable comp, compensation for other town officers and employees. So I'm trying to just pull over the exact language from state statute so that we're very clear on what the state law requires.

In the second whereas clause I also included from our reorganization resolution 2014-11 the exact statement about how compensation shall be set so there's clarity for the public in terms of the process that's followed. You will note that our reorg does actually require compensation to be fixed by November 1st so this is slightly different. For cities throughout Indiana, November 1st is the deadline. For towns, it's December 31st and technically you don't even have to do it in the calendar year, you could do it at any time but best practice is to do it in the calendar year, however, in this instance, the town reorganization actually followed the city budgeting procedure so as we start to plan ahead for our calendar for next year, we really need to be doing this in kind of correlation with the budget process which is what other cities would do. And we have, as you know, in the reorg a mix of cities and towns which sometimes gets a little interesting to track but we'll placeholder that on a go forward basis.

The next clause is actually new language that was added to the budget, to the statute in 2019 effective 2020. Obviously, we had a lot going on in 2020 so and, but this is new language that basically changes the way compensation has to be reflected on a Salary Ordinance for elected town officials and it just, it, for example, if you have a stipend or if you are receiving some kind of differentiated compensation based on the duties you perform in your role, also for the Mayor. It talks about in the next term what you can and can't do with those benefits. So, we have gone through that. I think we're fine in the way the calculations work so there's no issue there, as I understand it, but just adding that language in for clarity and then you'll see, for example, when the statute changed I think there was some concern by some communities that came forward to the legislature about what should or should not be included in capped compensation for an elected official. So, for example, if a Mayor were receiving some sort of stipend back for a service that was performed – I'm not talking about our Mayor, just generally – or if there were any sort of insurance premiums paid on the, on behalf of a Mayor because of their role, those are not calculated in the compensation numbers. So some communities have set a cap for elected official compensation and there's some clarity that the state legislature gave in terms of what should or should not be in the compensation number for those folks.

And then just a few things – we added some language that we're going to jointly work together to modernize and make improvements to the Salary Ordinance. Really the goal is to, as we said, pull over more narrative into the Salary Ordinance so that it's transparent for all of those in the public they know what we are paying, what the benefits package is, etc. And then you'll see we just made a few additional changes just to kind of correct, just kind of make the wording flow a little bit better and then we just noted that the employees are at-will and, obviously, that's a, Indiana is an at-will employment state. We took out Section 4 Professional Services. Again, that had been in there for a number of years and we just want to make sure, for example, that professional services are, we, we don't really need that because those all have to come before the Council as part of the claims process.

And then, I think that's it. The secretary appointments, we, we don't kind of handle the secretary appointments in this way any longer. It's just some older language that's been modernized in other ordinances.

There's one item that I did want to add additionally that's not in this which is for your consideration and I know there may be others as well in terms of the actual ordinance itself, I wanted to add a provision, with your permission, I kept them separate because these are the things we actually talked about during the last meeting so I only wanted to red-line like what we'd already publicly discussed but I did want to clarify in this, if you're open to it, an additional amendment which we could put in the Salary Ordinance itself or we could put it in the Whereas clauses. It's just a reiteration of what we have in a number of different ordinances throughout the town as well as required in state statute that if you are a Town Council member, for example, and you happen to serve on another elected position for the town, let's say Board of Police Commissioners, for example, we, we pay a small stipend for some of those positions as is noted in the actual attachment itself and as a Town Council member, you are not allowed to take any additional compensation in another sort of "appointed or elected" role because you'd be serving as a dual office holder which is prohibited under the statute. So, just as a sort of catchall, I'd like to add a Whereas clause to simply state that does not impact, for example, if you're paid a stipend because you serve as the Town Council President so the salary is differentiated for that role versus a Town Council member. Those are sort of outside of that statute but this is, for example, you would not get a BoPAC per diem. We say it in the BoPAC statute but I think for good transparency it's probably good to have it in both places in case anyone were curious so that would be one additional.

And then I know we also have a request from the Administration and I put that in the email. This is actually an amendment to Attachment A and so there is a special position stipend under the Fire Department and they would like to delete the language that says maximum \$1,500. It's simply a \$1,500 stipend and there's really no up to or maximum. Is that a correct?

- Kiel If they qualify for any of those special position pay, they would, they would be paid \$1,500.
- Garrett So, I'm a little uncomfortable voting on something I just got 10 minutes ago and also hasn't been publicly noticed. Can we vote on the original Salary Ordinance that we've seen or do you even talk about and then at the next meeting go in and revise it –
- Harris Absolutely.
- Garrett With this one?
- Harris Absolutely.
- Garrett And President Plunkett, I'm not trying to take that over but I just, I would be more comfortable sort of digesting all of this, publicizing all of this whatnot, letting Heather make in the final changes she wanted and –

- Harris Yes, this is my red-line that we've been talking about over the last several days and so it's something that we had worked on. There's certainly no harm in making these changes in the first of the year –
- Garrett Okay. I just wanted to make sure we're on a time deadline –
- Harris Yes –
- Garrett Because I didn't want to get locked in things like the longevity pay and stuff today.
- Harris I think the only concern I know for the town and, and for all of you that have been working on the salary increases for the employees is making sure those folks have that effective with their first pay in January, so we do want to, I think, if, if the Council approves it, we do want to move a Salary Ordinance forward at this meeting –
- Garrett Yes.
- Harris So that those folks –
- Plunkett Right.
- Harris Aren't impacted in any negative way but we can certainly come back and clean up anything we want to clean up through the remainder of the year.
- Garrett That would, that would be my preference.
- Harris Yes –
- Garrett I want to get it done –
- Harris And I apologize to the Council. We had sort of a rough week last week with a couple deaths in the family over the last couple of weeks so.
- Plunkett I would, I would say that, to your point, I mean, I'm fine to do that. I would just like to have this at the first meeting in January.
- Harris Sure, no problem.
- Garrett Yes, yes, yes.
- Plunkett Right? So we can –
- Harris Are you okay with that?
- Plunkett Shore that up –
- Kiel Yes, I'm not sure that anybody has seen the email that you sent yesterday.

- Harris Okay. Yes, you're copied on it too so.
- Burk Heather, how would you recommend then moving this forward in terms of the language we want to move today and the language we want to wait until January?
- Harris Okay, that's fine. So you would just do it, you've already heard it on first reading.
- Plunkett You asked her a question.
- Burk Yes.
- Harris Yes.
- Plunkett He, he's asking, yes –
- Harris So, say again.
- Burk It won't be the process for today to move this forward –
- Harris Oh you would just simply, you'd vote on the original Salary Ordinance that was presented at the last meeting.
- Burk Okay.
- Harris So we can just – these changes basically just, you haven't made a motion to approve them –
- Burk Okay, gotcha.
- Harris We'll just bring them back in advance of that meeting.
- Traylor And I know we're going to, we're going to have revisions early next year but one that I would like to see somehow in this was a question I had last time about putting verbiage in that says that when a new Administration takes over that the mayoral and Deputy Mayor somehow reset because currently we have our Deputy Mayor making more than our Mayor does and I think, I can see in 20 years if that path continues that we end up having a Deputy Mayor that's making \$50,000 more than the Mayor and that would be a little awkward. Everybody would want the Deputy Mayor position.
- Garrett So at our last meeting we had a lot of conversation about like our, the CFO, our second CFO had left, we had talked about maybe that position doesn't make sense because it's not working – it doesn't seem to be working and then over the weekend, speaking of our Deputy Mayor, we got an email announcing that Cindy has been named Interim CFO. I'm, so it's the timing is a little interesting because we're getting ready to do this but I also, like we don't have an interim position. So I don't know how you can create an interim position. Like you're either the department head or you're not. You can't be interim department head because my fear is by becoming an interim department head is this Mayor once again trying to bypass the organization? Like is that interim position then not have all

of the benefits provided to a department head in which case I have a concern about that. Does the interim person then start making the salary of the CFO? How long is that interim like position there before it has to be filled? Like it was, it was kind of just this like two line oh, by the way, this happened over the weekend with not a lot of context so –

Kiel So the Deputy CFO's job description has in it that the Deputy CFO will act as CFO in the absence of the CFO. We can't name her or anybody anything other than Interim CFO. We need to have a CFO in the, to from a regula – I'm not sure I'm saying this correctly – but from a reg – somebody needs to be acting as CFO when we don't have one. I agree with the recommendation to, or the conversation to move from a CFO to a Director position. I can't do anything about that because the ordinance today says CFO and Deputy CFO so the current Deputy CFO cannot hold any other job other than the Deputy CFO position or the CFO position. We are going to be posting internally for that position as soon as this meeting is over and hope to have a permanent situation very, very soon.

Burk Which position would you be posting for? The Deputy or the CFO position?

Kiel Well, that depends on this meeting. If the, if the, if the position of CFO –

Traylor I'll make it easy for ya –

Kiel Is approved then we would be – go ahead Bryan.

Traylor I'll, I'll make it easy for you because I know what you're getting to. I will be, if whether somebody else makes a motion or whatever, I'll, I'll be adding on or amending the motion or making the motion that we rename the CFO position to Director of Finance, also renaming the Deputy CFO position to Deputy Director of Finance with the caveat that a job description must be approved by the Town Council in the month of January.

Garrett Do we need to mod – is that salary going to be the same?

Traylor No, no, no –

Garrett Because the salary for the CFO is also higher than the Mayor.

Traylor I'll, I'll also be making the motion that –

Garrett Got it.

Traylor I –

Garrett You've got the motion down.

Traylor I just haven't been, yes, I just haven't been – we're not there yet but I was trying to –

Garrett Yes.

- Traylor Help with the conversation. Also, I'll be making the motion that the salary be reduced to the, what the other department heads are currently making.
- Garrett Got it and that context helped. Thank you.
- Harris I was just going to note if we are going to hold the revisions, I was thinking about this, we may even, I may request that we do it the second meeting of January and the reason is, one of the reasons we didn't go ahead and incorporate sort of the other stylistic and changes that we wanted to make in the ordinance was time, just trying to get it done before the end of the year. So I think if we had a couple of additional weeks after the new year, I could work with Jo and her team and Amy Noonung and we could fully modernize and update this and then it would be correct on a go forward basis so if the Council's open to that, we can start working on it right away, I think we know sort of what the discussion has been and I can share that out with all of you just to let you know like here's what I recommend and then before the new year so you can start to think about if there's anything else you'd like included. And Councilor Traylor, I did note your request as well that we could add in.
- Burk Jo, you casually kind of mentioned this – you were addressing Bryan's question but maybe this is something that you're in favor of, that you would be in favor of moving this position back to a Director level position and I just hope that the Administration and the Council are, are having conversa – I wish we were having conversations. This is a significant change.
- Kiel Yes.
- Burk And we're doing it in real time at this meeting and trying to gauge what your position is and maybe what the Mayor's position is or isn't as opposed to what Councilor Traylor's position is and I think most of us agree with but is that, is that something as the HR leader of this town, are you in favor of that change?
- Kiel I am, as is the Mayor and the Deputy Mayor. We've had those conversations. It has been very difficult to find a CFO that has CFO education, experience along with municipal finance experience and with the help of Crowe, I'm not sure that this is editorial, I'm not sure that this town is big enough that we need a CFO. I think we do need, obviously, we need a Director of Finance that manages that process with the help of consultants.
- Burk That's very helpful. Thank you.
- Plunkett Any other questions for Jo or Heather?
- Garrett As, as you make a motion, I also don't want the procurement.
- Traylor I got that here too.
- Garrett Thank you. Good.
- Traylor Are we entertaining motions at this time?

- Plunkett Indeed. I would entertain a motion.
- Traylor All right, get comfortable. So I will make a motion to approve the 2023 Salary Ordinance with the following changes: Renaming the CFO position to Director of Finance with a pay of \$126,244 and job description to be approved by Town Council; also changing the Deputy CFO title to Deputy Director of Finance with a job description to be approved by Town Council; eliminating the Procurement and Fleet Services Administrator position and that's it.
- Kiel Do you want to mention the \$1,500 verbiage under the, under the Fire Department?
- Traylor And, and removing from, I believe that was Exhibit A, the maximum of verbiage to indicate \$1,500 for the – was it –
- Harris Special departments.
- Kiel Special position pay.
- Traylor Special position pay for the Fire Department.
- Kiel And I have one more question before everybody votes – it's regarding the intention of the job description. We have existing job descriptions. We have an existing job description for the Director position that was prior to the CFO and what, what is that approval process like, meaning we want to post for this positions, these positions soon. Are you, do you just want to review them?
- Traylor I think we would need to – I would think we would need to approve them at the first – if you want to post maybe we can approve them at the first January Council meeting.
- Burk Is that later than you were hoping? Were you wanting to post it this, in December?
- Kiel I was wanting to, yes. I had no expectation that you would be wanting to review the –
- Burk Right, right.
- Kiel Or approve the job descriptions.
- Harris I will say for the Council, that was one of the things that, one of the revisions I wanted to make that was not currently included in terms of kind of modernizing the language because we do have a number of like renaming requests and just to make sure that we understand what those positions are going to do at, at least a Director level.
- Melton Do, do we have to approve this today? You mentioned the town's year end –
- Harris I think the, that would be my recommendation because we have –

Melton There's just so much –

Harris We have new salaries going into effect and I wouldn't want to interrupt someone's compensation increase that they're expecting but we can go back and, and certainly make revisions to any of the accompanying language at any time but I think that was the goal is to make sure that anybody that had a new salary or a new job title, for example, would be paid that new compensation at the beginning of the year. And, and that would be, I think, also a lot more clean for accounting purposes because we're, we're now rolling into a new budget year and then we would have split compensation. We'd have to go back and recalculate and re-tool payroll. It's just a lot of backend if we don't get it done in my opinion. I'm seeing head nods from Cindy as well and Jo.

Plunkett So, to your question, Councilor Melton, I mean, one of the things that I shared with Heather was that I wanted to make sure we had a Salary Ordinance that we could pass so that effective January 1, pay increases, etc., etc. would be, would be in effect. I am not comfortable with the language of this particular Salary Ordinance which I think we'll address –

Melton We, we didn't do it.

Plunkett In January.

Melton We didn't make it. I mean that's what it boils down to.

Plunkett You mean the ordinance?

Melton Yes, I mean –

Plunkett Yes.

Melton We, we just ran out of time, I mean, but so we're going to chop it up, slap it together and –

Plunkett No, what we're going to do is we're going to approve the original one that was presented with the modifications from Councilor Traylor and I think I've got one that I'm going to add to as well.

Melton The one that we red-lined today and just got today –

Traylor No.

Plunkett No.

Harris No.

Melton No, no, I understand –

Plunkett The one that we –

- Melton I'm saying, I'm saying, I'm saying the red-lined one has all the changes, the other changes that we need to make, right? The additional changes?
- Burk Correct.
- Melton So I just, I just feel like we're just pushing or kicking it, kicking it forward and it's not right. So, I'm just telling you that's my opinion. I understand and I appreciate all your changes. I think based on some of the faces in the, in the room things, this is a surprise a little bit. I like going back but I just, I just feel like waiting 30 days – I understand with regards to people's income and affecting that but if we're not doing it right, we're not doing it right so that – I appreciate all you guys have tried to do to get this to move forward and we can vote on it and we'll just go, go with that.
- Garrett Does, I'm assuming changing the position title from CFO to Director of Finance and Records still retains a department head within the reorg, correct?
- Harris Yes, so what we'll also need to do is if this change is made and we talked about this a little bit previously is in preparation for that first January meeting, I recommend we go back and change the ordinance –
- Garrett Yes –
- Harris Which created the CFO position and I would to your language, Councilor Garrett, maybe ask for one modification of the motion on the floor which is that we go back to the Department of Finance and Records which is what is in the reorganization document as well, just so there's consistency of position titles.
- Traylor I would agree to that.
- Burk Yep.
- Plunkett So, Heather, if there's something I wanted to add to his motion, can I add that on a second?
- Harris I would go ahead and ask for a second on this motion and then vote that motion and then you can ask for a second motion –
- Garrett Could he just –
- Harris Or you could ask Councilor Traylor –
- Garrett Withdraw your motion –
- Harris To amend his motion –
- Garrett Yes, there you go –
- Harris To include your –
- Burk It hasn't been seconded.

- Harris Request.
- Plunkett If you, if you wouldn't mind adding at the end to remove the line that says and subject to employment performance being satisfactory to the Mayor.
- Traylor So moved.
- Plunkett I'll second that.
- Burk Councilor Traylor, I'm comfortable waiting until January to get it posted if the, if the Council needs to see the job description. It sounds like what the intent from Jo is to actually take the job description that was in existence –
- Traylor The –
- Burk From a couple years ago which you're probably more familiar with than I am –
- Traylor I, yes – I actually have that job description. The only issue I have with that job description is it actually entails a lot of what Amy Lacy's position is today.
- Kiel It would need to be edited.
- Burk Okay.
- Traylor So it would need to be rewritten.
- Burk Okay, gotcha. So with that I think we should probably make sure we get it super clean –
- Harris That's fine.
- Burk And get it done in January.
- Plunkett So we have a motion by Councilor Traylor, a second by myself. Are there any other discussion or any other? All those in favor signify by saying aye.
- Burk, Garrett Aye.
Traylor,
Plunkett
- Plunkett All those opposed same sign.
- Melton No.
- Plunkett Motion passes 4 in favor, 1 opposed. Thank you, Jo.
- Kiel Yes.

**Consideration of an Ordinance Amending the Town of Zionsville Fee Schedule
Ordinance 2022-31 (Final Reading)**

Plunkett Up next is a Consideration of an Ordinance Amending the Town of Zionsville Fee Schedule. This is Ordinance 2022-31 and we have Mike Dale. Thank you.

Dale Good morning.

Plunkett Good morning.

Dale Mike Dale, Director of CED. What we have this morning is an ordinance that you've seen before, I think, the last couple meetings. We're just simply trying to clean up a situation where the fee schedule exists within our Zoning Ordinance. It really doesn't belong there. It being in our Zoning Ordinance requires another, a special hearing with the Plan Commission to, to vote on that fee schedule. It's really your fee schedule, it's my fee schedule, it's the CED's fee schedule but it's yours also. It doesn't, it shouldn't involve a hearing with the Plan Commission necessarily so what we're trying to do is just eliminate that step and moving the fee schedule out of the Zoning Code into your regular fee schedule and so that, that's what the ordinance is in front of you. It's simply a – we're not changing any of the fees at all. Those are not being touched. It's just moving that, that language out of the Zoning Code into your regular fee schedule.

Plunkett I would point out, Councilors, this is a second reading. We've certainly heard that before. Are there any questions for Mike?

Traylor I make a motion to approve.

Melton Second.

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

All Aye.

Plunkett All those opposed same sign.
[No response]

Motion passes 5 in favor, 0 opposed.

Dale Thank you.

Traylor Thank you.

NEW BUSINESS

**Consideration of a Resolution Regarding the Appropriation of Additional Funds
Resolution 2022-23 (Public Hearing)**

- Plunkett Up next is New Business. This is a, the first item is a Consideration of a Resolution Regarding the Appropriation of Additional Funds. This is Resolution 2022-23. Thank you very much – and, Cindy, I believe you’re going to present on this?
- Traylor The Mayor just walked in. If anybody wants to see if she’ll come join us.
- Garrett Oh, to the building, not the meeting?
- Traylor Right.
- Garrett Yes, I got it.
- Poore Good morning, again. These year-end additional appropriations were, we’re asking for are just to clean up a few things for year end. Some of these are, are ones that we do every year as far as like the engineering fees. We do budget for engineering fees but we also receive and come back in for that and this just placing that income back into that line in order to correct the balance in there. I, did, did everybody get the narrative that I put together? Okay.
- Traylor Yes, thank you.
- Poore Okay. The Park Non-Reverting this is a \$9,000 request, as I had stated, it was just to part-time salary covering more due to staffing insufficiencies for full-time.
- Garrett Cindy, that’s, is that staffing they’re anticipating needing or staffing that’s already happened?
- Poore Happened.
- Garrett So that kind of concerns me, the point of the budget process, the point of what we do is to appropriate for things that are needed not to clean up for things that were spent with no approval. So I gotta concern with that one. Please continue.
- Poore The EMS Fund and the Health Fund, those two are, are similar situations. These were Non-DLGF Funds that were set up last year and, of course, after going through the audit we were told that we needed to appropriate everything which it should be appropriated. These items weren’t appropriated. The EMS Fund basically has a \$25 a month bank fee that we just need, that’s what the \$500 is for to cover that line. This fund also is what is used for the ambulance billing. So, our billing service is CIPROMS. Whenever they get payments, they deposit them to this account. Other than the bank fee, nothing is paid out of this account so once we get to a certain balance, we move those funds over to the Fire Department’s ambulance revenue line and that’s what the other amount in here is. So –

Garrett Cindy, and I'm not trying to pick on small expenses here but I'm, if, if this account has \$237,000 sitting in it why are we paying a bank fee? Shouldn't they be paying us interest?

Poore That's something that I'll be looking in to.

Garrett Okay.

Poore That was not set up by myself.

Garrett Add it to your list.

Poore Yes.

Garrett Thank you.

Poore It's kind of the same situation with the Health Fund. There are no fees in that account but the insurance premiums that the town pays and then what's gathered from the employees' payroll goes over to this fund and then the claims, health insurance claims, then are paid out of this fund. UMR pays those claims. We manage the account but UMR pays those claims out of this fund and so we're basically just putting in what we, what we've gained from the premiums and just accrediting it to the line items.

Traylor Can I ask a ques –

Poore Yes.

Traylor I'm struggling to understand that particular one. So, those have, have or have not been paid out yet? Because I know a lot of what we're going back is like retroactively –

Poore Yes –

Traylor Approving claims so have, have those been paid out?

Poore The health claims?

Traylor Yes.

Poore Yes.

Traylor All right, so my question then comes to – we're showing the amount that we're being asked to additionally appropriate –

Poore Yes –

Traylor Matches what we're showing as the cash balance –

Poore Yes –

- Traylor So if it's already been paid out, is the cash balance actually 0 at this point?
- Poore Well, the line item is showing negative because we had not appropriated in that and that's what I'm doing, what this is going to do. We're putting those premiums into the line to take that line –
- Traylor From the red?
- Poore Yes.
- Traylor Okay.
- Poore Yes. And the EMS Fund and Employee Fund I've, I've already been talking with Tim Berry at Crowe. I think they need to be managed differently. I don't know what the process will be yet but it just, I think they need to be done differently. The Donation –
- Garrett So, so –
- Poore Oh, I'm sorry –
- Garrett Because that's a big number -- \$1.9 million. I just want to make sure I'm – are, are we self-funded from a health insurance standpoint?
- Poore Yes.
- Garrett Okay. So, we are, we, we have already budgeted for and we're collecting premiums from employees –
- Poore Correct.
- Garrett And we also had budgeted for money to go in to pay, to, to cover the delta, right? To the tune of \$1.9 million dollars. We're just –
- Poore Right.
- Garrett Appropriating those dollars. This isn't additional money that wasn't in the budget, correct?
- Poore That's correct. You're just taking the amount that went in for premiums and then we're applying it to the line.
- Garrett Yes, okay.
- Poore Yes. The Donation Fund, here again, this is one that's not been appropriated in the past. Some of the funds that the departments have taken in have, they have spent some. I know one of them was, was for a K-9. We're just applying what was taken in to the line.
- Garrett Going forward, will this be different?

Poore Yes it will.

Garrett How?

Poore Well, well probably what we'll do is we'll budget, we'll kind of estimate a budget of what they may spend and so that way – because the money is in there it's just as far as an appropriation line and, and spend to budget that's what's showing in the red because none of those funds have been posted to those lines since they weren't budgeted and that, here again, is something that we'll do differently. We'll estimate a budget, what they think they might spend and then if we have to come back and, and do an additional then we'll do that later but we'll at least get something budgeted for them.

Garrett So that's, is that estimated in the 2023 budget? I remember we passed some non-DLGF –

Poore I believe there is a Donation –

Garrett Budget.

Poore Budget –

Garrett Okay.

Poore In there this year.

Garrett I just want to know in general –

Poore I would have to –

Garrett Like the ones we're cleaning up now –

Poore Correct –

Garrett This would be the last time we have to do this –

Poore Correct.

Garrett In theory, correct?

Poore Yes.

Garrett Okay.

Poore Yes. And I, but I will go back and double check that. So, number 5 this was not in the narrative and I apologize for that – the \$450,000 is for the golf cart paths and I don't know, some of you may remember or not and I brought it just in case, the \$450,000 was actually approved as an additional appropriation in August of 2021 and as I was going through and doing some research, it was never submitted to DLGF and/or credited to that line. So that is what I am trying to

clean up. Here again, this was Resolution 2021-15 and it was for the golf cart path project. Fund 103 was funding some of it and then the golf course itself was funding some of that project but, here again, it just, it did not get submitted on Gateway and it did not get credited to the account so I'm trying to just clean that up.

Burk But Cindy, all of those invoices as attached to that construction, that's all paid – it's all been paid out?

Poore It is, yes. They have been paid because that, that project's already, I believe it's complete at this point.

Burk Right, okay.

Poore And that's all I have.

Plunkett So that was approved in '21?

Poore Yes it was.

Plunkett Paid in '22.

Poore It was approved in, in '21 and those funds were to be encumbered into 2022 until the project finished but, obviously, the encumbrance didn't take place because the additional didn't take place and so that's what I'm trying to clean up.

Traylor God bless you. It's a mess.

Plunkett Okay. We can, we can go through these one at a time or we can, I know Councilor Garrett you had a comment.

Garrett Yes, I mean the only one I'm concerned about is 211 – it's not that much money but, again, if you don't stop the process and maybe Jarod can explain this to me – Jarod, you're welcome to come explain it. I understand the need but like if we let this go by then next year there are 10 of these sort of things like well we overspent sorry –

Plunkett Yes.

Garrett I just need the extra money. I mean, Jarod, do you want to talk through this for me?

Logsdon Yep, happy to.

Garrett Convince me.

Logsdon Jarod Logsdon, Superintendent of Parks and Recreation. So within Fund 211 as we're growing our Recreation Department, we're trying to divide Nature Center from Recreation so we added additional project codes specifically in Fund 211 and Cindy can vouch that it's quite the mess just trying to coordinate those extra codes just adding another layer of confusion that could be happening with staff

but – so we did separate out the part-time salary within Fund 211 into Nature Center and Recreation. Now, we did underspend on Recreation but we did overspend within the Nature Center portion of that and that is partially due to the added summer camps that we had this season. We went from 14 to 16 and additionally that position, both Recreation and Nature Center, saw a 45% wage increase. When you're talking about \$9, a bump up to \$14 is, adds up over a season so the overspend was from that salary adjustment but an equivalent part-time line was underspent within that fund.

Garrett By the same amount?

Logsdon I think there's a \$6,000 credit here at the end of the year between, if you add those two lines together.

Garrett You underspent by 15 and this was an additional appropriation by 9, is that correct?

Logsdon And, it's just to clean up that line since it is specified as Nature Center part-time rather than Recreation.

Garrett So this is a cleanup versus an additional spend?

Logsdon Yes, we're not asking for more funds, just –

Garrett Okay.

Logsdon More in that line.

Garrett All right, that, that was really my biggest concern. Thank you, that's helpful context. I don't have any other concerns then with any of these.

Traylor My, my only statement is I'll be voting to approve all of this and thank you, Cindy, for –

Poore You're welcome.

Traylor The work on cleaning this up. I am, I wouldn't say that I'm happy about this but I know it's working towards the ultimate goal of getting it fixed –

Poore Correct.

Traylor It's just frustrating but thank you for putting in the hard work to fix it.

Plunkett This is a public hearing and I have proof of publication of the notice of public hearing. At this point I will open the public hearing. If there are any members of the public who would like to comment. Having seen none, I will close the public hearing. If there are no other questions, at this point I would entertain a motion.

Burk Move to approve.

Plunkett First by Vice President Burk.

Garrett Second.

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

All Aye.

Plunkett All those opposed same sign.
[No response]

Motion passes 5 in favor, 0 opposed.

Poore Thank you.

Plunkett Thank you, Cindy.

Approval of the 2023 Zionsville Public Meeting Schedule

Plunkett Up next is the Approval of the 2023 Zionsville Public Meeting Schedule. This is, I guess it's just the schedule, nothing more. I would, to Councilor Garrett's recommendation earlier, I would be happy to move this to, back to a 7:30 meeting again, given the original intent of the change to accommodate the Mayor's schedule. Certainly, certainly difficult to, to move that back from my perspective so I would be open to moving it to the 7:30 timeframe if you guys are.

Garrett Yes, I plan on making a motion on that but I'll let anyone have any discussion if they need.

Plunkett You got any questions or comments guys?

Melton The times aren't actually on this document are they?

Garrett They are.

Melton What, what am I missing here?

Garrett The spreadsheet where the, it's the green.

Melton Gotcha, at the top. Okay I was moving my calendar. Perfect, yes. I'm good with 7:30.

Garrett So I'll make a motion to approve the 2023 Zionsville Public Meeting Schedule with the modification that the Town Council second monthly meeting be moved from 8 a.m. back to the original 7:30 a.m.

Plunkett I'll second that. All those in favor signify by saying aye.

All Aye.

Plunkett All those opposed same sign.

[No response]

Motion passes 5 in favor, 0 opposed.

OTHER MATTERS

Plunkett Any other matters from Councilors?

Traylor I want to just make one statement that I understand the Mayor does not wish to come to these meetings and engage with the Council and help with questions we may have. I will make the statement that I have no other option than this meeting. If the Mayor would have a public meeting where we can have these discussions, I will gladly attend. I hope that she would give us the same courtesy of, of making that meeting at such a time that we could make it but I'm just trying to take excuses off the table for, for the Mayor not engaging with this Council. If, if we need to come to a meeting of hers, I would gladly do so.

Garrett She does engage if she needs something but then if we need something –

Traylor Yes.

Garrett We, we can't get any of that engagement back so it's just – I don't know how you get stuff done. It's bad for the town. I get that we see things differently but it's bad for the town to not have dialogue.

Melton One last thing. I did, I did see the Mayor yesterday at Winterfest and I just want to thank Jarod for all his hard work for Winterfest. Very awesome. I took all my kids there and nobody got hurt, first of all, and it was just an awesome experience and I did see the Mayor there so but –

Traylor I just saw the Mayor walk in.

Melton So anyway, thank you, Jarod. That's what I wanted to really call out. Go to Winterfest, it's awesome. It's a great time.

Plunkett Anything else from Councilors?

ADJOURN

Garrett I'll make a motion to adjourn.

Melton Second.

Plunkett All those in favor signify by saying aye.

All Aye.

Plunkett All those opposed same sign.
[No response]

Zionsville Town Council
December 19, 2022

Motion passes 5 in favor, 0 opposed.

The next Regular Town Council Meeting is scheduled for Tuesday, January 3, 2023 at 7 p.m. in the Zionsville Town Hall Council Chambers. Final notice of the meeting will be posted in compliance with the Indiana Open Door Law.

Respectfully Submitted,

Amelia Anne Lacy, Municipal Relations Coordinator
Town of Zionsville

DRAFT