



**ZIONSVILLE TOWN COUNCIL
MEETING MINUTES
FOR
MONDAY, MARCH 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, Josh Garrett and Craig Melton
Absent: Bryan Traylor

Also Present: Heather Harris, Town Council Attorney; Cindy Poore, Director of Finance & Records; Chief James VanGorder; Jo Kiel, Director of Human Resources; Lance Lantz, Director of Department of Public Works; Amy Lacy, Municipal Relations Coordinator; and other Town Department Staff

OPENING

- A. Call meeting to order**
- B. Pledge of Allegiance**

Plunkett Good evening. I will now call the Monday, March 6, 2023 Regular Town Council meeting to order. If you would please, stand and join me in the Pledge of Allegiance.

All Pledge of Allegiance.

APPROVAL OF THE MEMORANDUM OF THE FEBRUARY 6, 2023 REGULAR MEETING

Plunkett Up first on the agenda is the approval of the Memorandum of the February 6, 2023 Regular Town Council meeting. A copy has been posted. Are there any questions from Councilors?

Garrett Did we not approve it at last meeting because it wasn't ready yet?

Plunkett Back-to-back.

Garrett Is that right? Yes.

Plunkett Yes, we were back-to-back.

Garrett Yes. I'll make a motion to approve.

Plunkett First by Councilor Garrett.

Choi Second.

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

All Aye.

Plunkett All those opposed same sign.
[No response]

Motion passes 6 in favor, 0 opposed.

APPROVAL OF THE MEMORANDUM OF THE FEBRUARY 13, 2023 REGULAR MEETING

Plunkett Up next would be the approval of the Memorandum of the February 13, 2023 Regular Town Council meeting. Again, a copy has been posted there as well. Any questions from Councilors?

Garrett I'll make a motion to approve.

Plunkett First by Councilor Garrett.

Choi I'll second again.

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

All Aye.

Plunkett Motion passes 6 in favor, 0 opposed.

APPROVAL OF THE FEBRUARY 6, 2023 CLAIMS

Plunkett Up next is the approval of the March 6, 2023 Claims. Are there any questions from Councilors?

Garrett Was there a claim last time that we paused? Has that issue been resolved? I think that was Councilor Traylor's concern.

- Plunkett I actually noticed that, I think it's back on here. Claim to Ice Milter consulting, Ice Miller consulting for legal fees for \$2,473.50. Is, is that the same one from last time that was –
- Poore Actually, I don't think it is. I think the other one was like \$3,000 or something like that.
- Plunkett So the \$3,000 one then is not back on here but there's a \$2,400 one that's also for consulting? Is this their retainer or is there a contract, is there – what are we doing with Ice Miller?
- Poore All I know is that they help us out with some of the cybersecurity issues and the different policies and stuff like that for the cybersecurity. That's the one thing that I know that we use them for. I would have to grab the agreement to let you know what the rest of it is.
- Plunkett Yes. Are there other questions about any other legal, any other expenses on the claims sheet?
- Melton Yes, I have a couple of questions that I just wanted to touch base with. One of them might actually be to the Fire Chief but while you're here, the Hussey-Mayfield Public Library I saw on there, on these claims we have like \$1,086.40 for Perry Township library cards and I'm just curious is that for a month or is that for the entire year or, when did –
- Poore It's not a month but it's not a year. I'd have to look just to make sure but I want to say maybe it's like quarterly or every six months.
- Melton Is it quarterly?
- Poore Yes –
- Melton Okay. I just want to get a good gauge –
- Poore But I can get an answer for you.
- Melton On how many constituents out there are actually getting library –
- Poore Sure.
- Melton Cards. I guess I can't really ask Perry Township, I'm sorry, Hussey-Mayfield Library. They probably don't know that answer. So, anyway, I just wanted to –
- Poore I can find out.
- Melton I wanted to clarify –
- Poore Yes.
- Plunkett Yes, that should be easy to find though.

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Poore Yes, I can find out.

Plunkett Yes.

Poore I'll pull the claim and see what it is.

Melton Perfect. Thank you.

Poore You're welcome.

Culp I had a quick question – what is the \$3,689 for the Mayor's catering for breakfast?

Poore That's for the women's breakfast that she is having on Thursday but I do know that \$3,000 of that she did get a donation from Rundell Ernstberger.

Culp Oh, cool.

Poore Yes.

Melton So if she got a donation –

Culp Yes, why's it showing up on here?

Melton Why are we paying the claim then?

Poore Because it would have to be appropriated and we just got the check so she's paying it through her promotions and it gets receipted back when the check we just got gets receipted back in through the General Fund in her department but we can't put it to a line unless it's appropriated.

Plunkett Okay.

Melton One other quick question was about the Perry Township Volunteer Fire contract. It looks like it says second quarter \$22,500. I assume we pay that four times a year?

VanGorder That is correct, sir.

Melton Total somewhere around \$90,000 annually for that? Okay.

VanGorder Yes sir.

Melton That's really all I had. I just wanted to make sure. Thank you.

Garrett Cindy, do you know why the \$3,000 that we took off the last claims is not on this claims? I'm assuming it has not been paid, correct?

Poore Right.

Garrett It's just – are you still waiting on more information to give us more information?

Poore Honestly, with not having an A/P person right now, I think it was just probably overlooked. So –

Garrett But it has not been paid, correct?

Poore No, no.

Garrett Because it's not been approved yet.

Poore Correct.

Garrett I know Councilor Traylor was looking for some information there.

Poore Yes.

Garrett You also made mention on - and this is just semantics, I'm not trying to pick on this breakfast – you said it needs to be appropriated but it's, it's not appropriated because it's in the budget, right? We're just approving the budget item, we're not approving an additional appropriation in this process?

Poore Right, you're approving the payment which I'm assuming is coming out of her promotions line that was –

Garrett Right.

Poore Already budgeted for. We just can't turn around and put that \$3,000 right back into that line without appropriating it.

Garrett And I assume the donation goes back into the same line item, correct?

Poore It goes back into the same fund and department. We cannot put it into a line item unless we come before you and do additional appropriation.

Garrett Got it. Okay.

Poore Yep.

Garrett Thank you.

Melton One more question –

Poore Yes.

Melton And I promise I had it written down – 15Five Incorporated and it says final billing Emplify? I have it for, it's like \$13,442.59. I just was curious what 15Five Incorporated –

Poore Oh, is that you? Alrighty.

Melton Thank you.

- Kiel Emplify was purchased by 15Five. Emplify is a, what we do with them is employee surveys and so it was budgeted under Emplify and now 15Five is the organization.
- Melton Okay. All right.
- Garrett Are we still doing those surveys?
- Kiel We did one recently for a department –
- Garrett Okay.
- Kiel But we're not doing them for the entire Town.
- Garrett Is that because of budget reasons or is there a reason why we're not doing the whole?
- Kiel It's because of a lot of things and I'm happy to talk about that offline if you want to but –
- Garrett Okay, we can do that.
- Kiel Yes.
- Burk I would make the point and this has come up before – because if it's not a budgetary restriction, I do believe we should be surveying all folks within the Town because it's hard to get a baseline when you do one department and you don't do everybody else. It's just, you're kind of looking at one piece of data and it's hard to correlate it across the board so if you're inclined or if you need more money, please come to us because I think we should be doing that almost on an annual basis.
- Kiel Thank you.
- Plunkett Any other questions from Councilors? I would, in similar fashion to the last one, until we get an explanation on this consulting deal with Ice Miller, I would make a motion to approve claims with the exception of the \$2,473.50 legal fee consulting to Ice Miller.
- Garrett I second that.
- 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 6 in favor, 0 opposed.

MAYOR/ADMINISTRATION UPDATE

Plunkett Up next is the Mayor/Administration Update. We did not get an update from the Administration in the packet.

TOWN COUNCIL UPDATE

Plunkett So moving along would be a Town Council Update. Are there any updates from Councilors?

Burk I would like to give a short update – I'd especially like to thank our amazing Zionsville Fire Department for allowing myself and some other members of the Council to attend this year's awards banquet which was this last weekend. I know a lot of the folks on the crew watch these Council meetings so I hope you are. It'd be nice to give you a few extra props. An incredible night. There were a lot of powerful stories and a lot of awards that were given out. I would just like to call out and celebrate what I thought were the top five award winners that night and I think this has since been shared on social media but it's an incredible group. We're all very blessed to have the ZFD supporting and protecting us but Firefighter of the Year, Sean Mitchell, EMT of the Year, Evan Latty, Paramedic of the Year, Anthony Ammerman, Probationary Firefighter of the Year, Raymond Kline and the big award, Local 5195 Leadership Award to Matt Quigley. So just congrats to the guys who won these awards and there were a number of other awards. There were just way too many people to list in terms of lifesaving award and just some, some really powerful stories and so just props to, to ZFD for the incredible work that you do for Zionsville.

Plunkett I would agree, it was a great night.

REQUEST TO SPEAK ON AGENDA ITEM

Plunkett I actually skipped the Request to Speak. Amy, were there any requests to speak for agenda items?

Lacy No, I have not received any.

Plunkett Okay, thank you. All right, any other updates from Councilors?

OLD BUSINESS

Consideration of a Veto Override of an Ordinance Amending the Traffic Code of the Town of Zionsville (Golf Carts) **Ordinance 2023-04**

Plunkett Up next would be the first item on Old Business which is a Consideration of a Veto Override of an Ordinance Amending the Traffic Code for the Town of Zionsville. This was our Golf Cart Ordinance. Are there any questions or discussion from Councilors?

- Garrett I've gotten nothing but support for this stuff. I know the Mayor has vetoed it and given some rationale. I'm not going to break it down piece by piece as to why I disagree with it but I'm still supportive of doing this.
- Plunkett Yes, I didn't receive one email in support of the veto all week.
- Melton I do have one question –
- Plunkett Yes.
- Melton So on Ordinance 2023-04 – that is the ordinance for the golf cart, right? So in there it says something as it's renaming the streets that are eliminated. Is there another place that says Michigan Road also? Because I didn't see it say Michigan Road on there specifically as one of the streets that –
- Plunkett Yes, so the ordinance complies with state and local and county ordinances and you can't drive a golf cart on a state road, state highway.
- Melton Because it's a state road, it's not a Town road.
- Plunkett Right.
- Melton That's what I, that's what I thought –
- Plunkett Yes.
- Melton And then the other one was just the language that I was kind of just trying to work around as well talking about an operator. Should it say a permitted operator but I think it's pretty cut and dry when it starts with explaining what is –
- Plunkett Right.
- Melton Permitted. So, I'm okay with the language I just wanted to touch base on the Michigan Road thing because it talked about Town streets and I agree with it should be a state road, so I'm ready for you to move forward or I can make a motion.
- Plunkett Well, are there any other questions from Councilors or any other comments?
- Burk I guess the only other comment I would make is the veto kind of caught me by surprise because I hadn't received any communication of any raised concerns. We heard this on first reading, we heard it on second reading. There was no testimony at all against it and then kind of ninth inning, last batter all of a sudden there's a veto with some rationale and I would just encourage in the future if the Mayor or the Administration has concerns about a piece of legislation that we're considering, I'm very much here to hear what those concerns are and I didn't hear those until after the fact and I've given it a lot of attention, thought about it, listened to it and I would just encourage that we can probably accommodate some of these questions or help walk through some of this on the front end and I would just continue to encourage proactivity of, of dialogue.

Plunkett Sure.

Choi And that's the same thing that I'm coming from is that in her veto statement she talks about how this is very concerning to those administrators and the Police Department, Public Works, Town Administration yet we had not heard from, between first and second reading of this, never heard a word from anybody about concerns.

Culp Nope.

Choi So.

Plunkett Any other questions or comments from the Council? I would make a motion to override the veto of Ordinance 2023-04.

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 a Veto Override 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

Plunkett Up next on Old Business is a Consideration of a Veto Override of an Ordinance Establishing the Position of the Director and Deputy Director of Finance and Records and Reestablishing the Position of Municipal Relations Coordinator for the Town of Zionsville. This is Ordinance 2023-05. Are there any questions from Councilors?

Burk I do have a question really for Heather – I read a few different times the Mayor's reply to us and Heather's initial reply, went back through the minutes of the last meeting, re-read the reorganization document myself and I think we asked this, Heather, even in the last meeting – I don't know if it was Jason or I, I know it was asked because there had been maybe some concern raised before we voted the second time, unlike on the Golf Course Ordinance, and I think the question to you was you've looked at this as our counsel – are we in compliance with the reorganization documents of this Town to pass this or is there a risk of us violating this by passing it and just I'm comfortable with it that's why I voted yes last time but the issue was raised again and I'm just making sure you can help explain that to folks so that we feel like we're all prepared to vote accordingly.

Harris Yes, so do you want me to go through both pieces?

Burk Yes.

Harris I know I've also shared this memo, which I believe was made public for anybody in the Town. So, I was trying to explain this to Councilor Melton before so I'll try to maybe do it more articulately than I did before the meeting. So, yes, I believe the answer is yes that we are in compliance with state law as well as within compliance within the reorganization documents.

So there were two concerns that the Mayor raised in her memo that she prepared prior to second reading and then distributed to Council leadership and to members of the Town Council. So, the first deals with approval of job descriptions which is not something we have historically done at the Town Council meeting and I want to share where that was generated from. When we had an audit interview with the Indiana State Board of Accounts and they talked about our sort of checks and balances and internal controls for the, for the Town one of the points that was raised is that we weren't approving job descriptions and that was a comment that we later explored with the State Board of Accounts and then prior to me presenting this memo to you I, again, followed up with the State Board of Accounts to understand and confirm. The State Board of Accounts has indicated that because you set the Salary Ordinance and because you appropriate the funds for the positions in which you're funding as part of the Salary Ordinance, that you should be reviewing and approving the job descriptions because that is ultimately what you are funding for each position within the Town.

It is clear as mud sometimes with the reorganization when you try to unwind the various aspects of what was Town law prior to the reorganization documents with the reorganization documents and moving forward but if you go back and sort of look at how the powers were vested and I tried to articulate that path for everyone in the memo, the, there, there really is still, I think, the conclusion that the Town Council should be approving the job descriptions unless the Town Council decides to take some other affirmative action to vest that power in someone else to do that job and you do have that authority so if you want to go back and work with the Administration to do that and you can always come back in and amend this so there's nothing that's wedding us to that except that somebody needs to be responsible for that task and the State Board of Accounts has recommended that be the Town Council so that's where that piece is generated from.

The second piece is more confusing or convoluted, I would say. When we passed – if you go back, I guess, I'm going to go back even further. Before reorganization the Town Council had vested some of the administrative duties in the Town Manager who, which is a position in a town without a reorganization that can manage certain duties at the direction of the Town Council. In a traditional town you don't have a Mayor and so we are not a city and we don't have all the city statutes or powers. We have still Town powers except what is embedded into the reorganization document so you sort of fall back to those Town powers and in those Town powers, the Town Council could delegate certain powers to the Town Manager. When the, we also had an elected position

of Clerk-Treasurer. A Clerk-Treasurer, as an elected individual, has Clerk duties which are duties directly responsible to the Town Council and the Town Council President to administer the business of the Town Council and then you have the Treasurer duties of the Town which are financial reports, making sure the claims are presented for Council approval, making sure the Town's finances are budgeted, they go through the budgeting process, etc.

The spirit of the Government Modernization Act was that in order to complete a reorganization, you could not add elected officials. You had to eliminate elected officials or at least retain the same number of elected officials and then you could vest powers into different positions in the Town or move powers around but you couldn't add an additional elected official. So in order for the reorganization to create the position of Mayor, the reorganization took what was then the elected Clerk-Treasurer and vested all of those duties with the Mayor and then in the reorganization, it clearly states that those Clerk-Treasurer duties were then taken from the Mayor and they, it says it shall be vested in the Director of the Department of Finance and Records which is a Department Head. So, if you can follow that.

So then we had the position of the Director of Department of Finance and Records at the beginning of Mayor Haak's Administration, really Mayor Papa, then Mayor Haak and that was a Department Head and that Department Head was then subject to the requirements that for removal of a Department Head, the Town Council had to approve. So then with Mayor Styron's Administration, Mayor Styron's Administration recommended to the Town Council that we eliminate the position of Director of Department of Finance and Records and create a new position of Chief Financial Officer for the Town and that was done in the Salary Ordinance in 2020, I believe. So in that position, it then created a new position of Municipal Relations Coordinator and it took the Clerk-Treasurer duties and kept the Treasurer duties with the Chief Financial Officer of the Town and separated the Clerk duties and those are now vested in the Municipal Relations Coordinator. So, is everybody tracking okay? Because it's very, it's very difficult.

So then we in December of last year the Town Council, as part of the Salary Ordinance process, decided to eliminate the position of Chief Financial Officer and reestablish in the Salary Ordinance, which is just the funding for the positions, the position of Director of Finance and Records and Deputy Director of Finance and Records but we did not create any legislative framework for those positions. We did not restore those positions in law, we just created the positions for funding purposes. So you may recall then we had Jo Kiel come back and she presented the job descriptions for the Director and Deputy Director which are largely just taken verbatim and included in this ordinance but we could not go back into a legislative framework, in my opinion, to establish these two positions without creating public transparency of what we were doing as a Town with respect to the position of Municipal Relations Coordinator and while we love Amy, this has nothing to do with Amy, this is just trying to make sure that if you're a member of the public 20 years from now or you're trying to administer all of this in the future, that you could follow where the duties were and where the duties were vested. So if we did not put in this position of Municipal Relations Coordinator into this same ordinance, it would appear to me to create

confusion because if you're just looking at the reorg, it would appear that all of the Clerk-Treasurer duties were now back vested with the position of the Director of the Department of Finance and Records which is not the intent and so we added back into this ordinance that you're considering this position of Municipal Relations Coordinator. The only thing that is different or that we, I think, provided more clarity to because we'd really not, we really not had, had any sort of legislative policy around the position of Municipal Relations Coordinator is a clarification that since that position is serving as the Clerk for the Town Council and reporting to the Town Council President in that position, that there be coordination between the duties that are performed for this body and the duties that are performed for the Mayor's Administration, both of which have equal importance within the job that that position is now vested to do because they have two sets of duties to the Town and so we wanted to make sure that there was a participation in job performance evaluations, that there was input from the Town Council President which would, again, reflect the comments from the Town Council in those job performances and that there was coordination between the Town Council President, whoever is serving in that role, and the Director of Human Resources. The other thing is, we wanted to follow the spirit of the reorganization which was that that position could not just be eliminated without some sort of Town Council approval which we vested in the Town Council President in this ordinance because without that position the duties of the Town Council cannot really be performed because this is performing the Clerk duties which if you go back to the very beginning, when you vest in Town, when you go back to those town statutes that I was talking about before the reorganization, you can vest certain responsibilities in the management of the Town employees in a Town Manager but that Town Manager by statute does not have any powers over the elected Clerk-Treasurer. It is independent elected. So you follow that line of thinking which is why they had protected powers as a Department Head and those powers transferred to the Director of Department of Finance and Records because you have two different sets of statutory powers that have to be performed and so we wanted to make sure that any Mayor, this is not, again, this is not about Amy, this is not about Mayor Styron, this is that we had: 1) Clearly delineated where those powers now set within the Town and that they were clearly articulated and then 2) That you would never have a situation where that position would be eliminated and the business of the Council could not be conducted because you need that check and balance of, on the powers of government to make sure the government continues to run with transparency and effectively with the executive branch and the legislative branch.

So that's kind of the reasoning of why we got to this position. I know that was a long-winded explanation but it's very complicated and I apologize for that. I tried to keep it as clear as possible but that's kind of following the line of powers all the way down to where we are today which is half of them are vested now in the position that Cindy Poore has and half of them are vested in the Municipal Relations Coordinator and we need both to be articulated. Does that make sense?

Burk Yes, it makes sense. Thank you. Obviously, this position has been divvied up essentially into almost three different roles now –

Harris Correct.

Burk Between the Mayor, Finance and Records and Clerk. Those are all very well spelled out. So we're kind of going back, obviously, and we were, we were really accommodating the Mayor's and Jo as well who wanted to move away from the CFO so I think that was clear that we're working together to try to fix what the Town thinks is the best approach moving forward around our Finance Department. Did we essentially go back to, it sounds like what you're saying is we went back to the language that existed before the CFO was created but, in fact, we're cleaning it up even more because, in your opinion, it wasn't clear that the MRC position needed some more clarity as the former Clerk or at least in that role with the Town Council and is it of your opinion then that the statutory protection for the MRC as a "Department Head?"

Harris Yes, so they're not a Department Head and we didn't make them such in this ordinance but what we tried to do is give a similar protection to ensure that a person just can't be eliminated so that we don't have a situation where that, those duties are not being performed which I think is very much within not only the spirit of where the reorganization originally intended them to be and have that protection because it never contemplated that we would split those duties out of the Department of Finance and Records.

Burk Yes.

Harris But in the reorg it does allow for the Mayor to make recommendations to restructure the government departments but it requires Town Council approval to do that. So, again, that's still vested with the Town Council to make a decision as to how those restructuring occurs so now that you're kind of going back to the beginning but you're not vesting all the powers back which was the Mayor's original recommendation was to vest the Clerk powers in the Municipal Relations Coordinator. I felt like we have to articulate those three things together because if you just do the positions separately, it's going to leave a gap in who is responsible for certain important functions of the Town in that Clerk-Treasurer responsibility and those are statutorily driven requirements that, I mean, there is shall language there, not may language. It says the Clerk-Treasurer shall do this and they shall do that because those are sort of the critical functions of a, of a town, right? Making sure your Town Council can run and making sure you have finances and transparency within the financial structure so delineating those out more clearly I think is really important and those powers were not vested in the Mayor just to be clear. They were vested in the Mayor and then immediately transferred to the position of the Director of Department of Finance and Records. So the Mayor definitely has oversight as the Mayor, right, of all the different departments and it continues that we're not impeding upon that structure I don't believe. So –

Burk No, it's very, very helpful and, of course, we count on your expertise to help us with this and I don't think we'd feel confident moving forward if we didn't have your support and your explanation so I very much appreciate all that you're, all that you're doing to help us with this.

Harris Yes.

Plunkett Any other questions or comments from Councilors?

Garrett I would make a motion to override the Mayor's veto for Ordinance 2023-05.

Plunkett We have a first by Councilor Garrett. I'll second that. All those in favor signify by saying aye.

All Aye.

Plunkett All those opposed same sign.
[No response]

Motion passes 6 in favor, 0 opposed.

**Consideration of an Ordinance Establishing an Opioid Fund Ordinance 2023-06
(Final Reading)**

Plunkett Up next in Old Business is a Consideration of an Ordinance Establishing an Opioid Fund. This is Ordinance 2023-06. This is a final reading. Cindy is certainly here to answer any questions if we have them. I don't know that – I mean, it's just opening up accounts so that we can accept the money from the settlements right?

Burk Is this a first reading?

Plunkett It's a second reading.

Culp Second, final.

Plunkett Questions from Councilors? Otherwise, I would make a motion to approve Ordinance 2023-06 on final reading.

Burk Second by Vice President Burk.

Plunkett All those in favor signify by saying aye.

All Aye.

Plunkett All those opposed same sign.
[No response]

Motion passes 6 in favor, 0 opposed.

NEW BUSINESS

Consideration of An Ordinance Amending the 2023 Salary Ordinance (First Reading) Ordinance 2023-07

Plunkett Up next is New Business. The first item on New Business is a Consideration of an Ordinance Amending the 2023 Salary Ordinance. This is a first reading. This is Ordinance 2023-07. We have HR Director, Jo Kiel, and Fire Chief VanGorder to present or maybe just Fire Chief VanGorder.

VanGorder Good evening, Mr. President and members of the Council. I come before you this evening for a request of a Salary Ordinance Amendment and there also was included a job description for your review and consideration. The 2023 Fire Department approved budget included one additional Fire Inspector position. After reviewing the workloads and the future planned retirement of our Fleet Service Manager, we concluded that this one position would be better served with the Fire Department by adding a Fleet Mechanic. Therefore, we come before you this evening and ask for a revision within the Salary Ordinance in creating the Fleet Mechanic position and a corresponding job description. This new position would be funded within our 2023 budget so it does not require any additional funds and actually, it is a lowering of the salary so it would provide a savings to the organization. One may ask how we plan to accomplish those needs that we originally needed from our Fire Inspectors. We have worked with the HR Department to develop a program where we would hire off-duty firefighters to participate in the inspection program in a part-time role at a different pay rate therefore allowing us to save some additional funds and also allows some firefighters to gain some additional job experience in a field that they're not familiar with and maybe allow us a little depth of the bench for future succession planning. I'd be more than happy to answer any questions you may have at this time.

Choi Chief, you said that this doesn't require any additional appropriations. Where's this funding coming from? What was it earmarked for previously?

VanGorder Within the Salary Ordinance there was a line item for Inspector. We have one already contained within the budget was a second Inspector so it was a doubling of the salary so originally we are approved for the Fire Inspector position. Make sure my, I'm not crossing the lines – you'll see on that page that the Fire Inspector's maximum salary is \$75,461 so that was included in our budget. This, creating this other position allows us a position at 55, the maximum salary at \$55,000 so, therefore, they would not be spending any of those additional funds.

Choi Thank you.

Melton You think, obviously you think 55's good but I'm a little concerned that, I mean, that's a whole fleet of safety vehicles.

VanGorder Yes, we're very blessed to have a Fleet –

Melton Mel?

- VanGorder Chief Mel Vlha who has been with the department a very long time but it's one of the things we talked about and I got his permission to share this this evening. He's within about three years of retiring so if we could take the opportunity and hire an entry-level mechanic, the hope is maybe this individual will be able to grow within the organization, may or may not be able to replace him completely but at that time we'd also be able to have instead of just one person taking care of the fleet, we'd actually have two people and we're currently experiencing a high volume of, we call them official reports or work orders for maintenance items and we've talked during the budget time you'll remember that our also purchasing fire trucks nowadays has, has changed significantly with the supply chain issues so while we've been approved and we appreciate that funding, we're going through the specification and purchasing process now but we won't see those new fire trucks for at least two, now possibly three years so we're anticipating our maintenance needs to increase significantly.
- Melton So do you do all of this, does Mel do all the maintenance repairs in the fire houses?
- VanGorder That is correct. About 90% of our fleet service repairs are done in-house.
- Melton Okay. Every time I see him at Lowe's I ask him who are you training? Who's the next that's going to do your job? And so, this is really great to see that you guys are planning ahead and giving that position and I'm all for this so.
- Garrett Chief – this is a first reading. Is there time sensitivity to this to try to get this done now relative to what you need to accomplish or can this go through two meetings?
- VanGorder The original request did not include that but as everybody's aware, the hiring market right now is a little bit of a challenge so if the Council felt comfortable, we would like to be able to move forward and do it in one read if we could.
- Plunkett We don't have all 7.
- Harris We don't have all 7.
- VanGorder Oh.
- Garrett Oh, do we need all 7 to go –
- Harris Sorry, sorry.
- Garrett To suspend the rules?
- Harris Yes, yes we do.
- Garrett Got it.
- Plunkett Blame Traylor.

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VanGorder So we'll see you –

Harris Sorry.

Plunkett You can blame Traylor.

VanGorder It's all right, we'll see you at the next meeting.

Plunkett I certainly appreciate the memo, by the way. This is helpful to get the documents in advance so you understand what's going on and it makes it makes it easier so. Any other questions from Councilors?

Melton I'd like to make a motion to approve, to approve Ordinance 2023-07 on the first reading.

Burk Second.

Plunkett First by Councilor Melton, 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 Establishing a Crosswalk Location (Ford Road & Starkey Avenue) Resolution 2023-05

Plunkett Up next is a Consideration of a Resolution Establishing a Crosswalk Location. This is Ford Road and Starkey Avenue. This is Resolution 2023-05 and we have DPW Director, Lance Lantz.

Lantz Good evening. With that opening statement you've covered a lot of my information. I came to you last or the fall of 2021 and explained that we had developed an in-house rating system for locations as the public asked both staff and Administration and the Pedestrian Mobility Advisory Committee to consider marked crosswalk locations. We took some counts at this location and we timed those counts when the weather is good and school is in session to get a maximum idea of usage and so having run all the traps and passed all the ratings evaluations, I am bringing this forward to you with a favorable recommendation.

Garrett Lance, is it a 4-way crosswalk?

Lantz This is only a marked crosswalk across Ford Road.

Garrett Across Ford Road.

Lantz Just north of Starkey.

- Plunkett And this will come through, Lance, you mentioned in the memo that we're going to have an \$8,600 appropriation request. That's going to be later, is that right?
- Lantz That's correct. Ideally, we would've liked to have had the timing be –
- Plunkett Sure.
- Lantz Simultaneous which is what we did with the first round which established the crosswalk on 975 but with all of the work that our Finance Department is doing, we thought we'd wait and hold off on that a little bit, not bury it in a resolution for –
- Plunkett Sure.
- Lantz Additional appropriations and let it be a special item.
- Plunkett Appreciate that.
- Culp Well I'm okay with it since it's in my district and my neighborhood. So thank you.
- Lantz You may take all the credit.
- Culp Yes.
- Plunkett Worked hard on that –
- Lantz You did this.
- Plunkett Didn't you?
- Culp You know what, if I was running for District 4 I'd start taking credit for this.
- Burk Lance, is the \$86,000 is that just –
- Plunkett Hundred – \$8,600.
- Burk Oh, okay.
- Plunkett I was going to say like yes –
- Culp I'll go get some paint –
- Lantz You can always add a zero if you like.
- Burk You gotta explain that one.
- Culp It's gold paved.
- Burk Okay. Yes, thank you. That, I heard that wrong but I wrote it down.

Plunkett Any other questions for Lance? I'll make a motion to, let's see this is a resolution – I'll make a motion to approve Resolution 2023-05.

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.

Lantz Thank you.

Plunkett Thank you, Lance.

Consideration of a Resolution Regarding the Appropriation of Additional Funds (Police Vehicles) Resolution 2023-06 (Public Hearing)

Plunkett Coming into the homestretch. Up next is a Consideration of a Resolution Regarding the Appropriation of Additional Funds. This is for police vehicles. This is Resolution 2023-06. We have Cindy for now and Captain Sterling maybe too?

Poore Yes, this additional appropriation – I don't know if you recall that they were planning to purchase some vehicles towards the end of last year and thought there was some money already appropriated but that wasn't the case so they had to spend some of their budget from this year to purchase those vehicles and now they're needing to purchase vehicles for this year so that's what the additional appropriation is for. And we decided to look at using the Special LOIT Distribution Fund which we received in 2017. The money's kind of been sitting there and this is a perfect type of expense for it – a one-time capital purchase.

Garrett Cindy, my memory may be going but I could've sworn we appropriated those dollars too. I thought that Chief Spears had or maybe Captain Sterling had identified cars that we could've bought last year before the price went up and we had approved that purchase and appropriated those funds. Like, I thought we went through all the process –

Culp Yes, I did too that's what I was kind of wondering.

Garrett Why –

Poore It was for the equipment for the cars because they were told that there was money already appropriated for the actual cars. Correct me if I'm wrong, Drake, but there was not and so since the cars were ordered, they had to use part of this year's budget for that purchase and so now they're needing to order this year's cars.

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Garrett So the better deal that police found is still being honored because we purchased them –

Poore Correct.

Garrett We just need to back end to what is –

Poore Correct.

Garrett I got it. Okay.

Melton So we ordered them, now we're paying for them. Is that?

Garrett We paid for them. We got to pay for the other stuff we are expected to pay for in the future.

Melton I thought we were ordering them and it didn't require –

Poore We, we've got one set of cars in already.

Melton Okay.

Poore That was the initial order.

Sterling Correct.

Poore And then –

Plunkett Was, was there – Cindy, you and I had a conversation a while back about two sets of vehicles.

Poore Yes.

Plunkett Is, is this the vehicles that were anticipated to be ordered that you didn't expect to come in this soon? Is that what this was?

Poore I don't know that it was necessarily we didn't expect them to come in this soon. It's just that I know that when Drake had a conversation with the CFO at the time they were told that, that there were appropriated dollars that would cover that expense and there actually weren't. So they had to, since those cars – they were told that, they ordered the cars, the cars came in so they had to use some of this year's budget for those which brought them short for this year's set of cars.

Choi So at the end of last calendar year the LOIT Fund had \$432,956 and has there been any significant expenditures?

Poore There have been no expenditures.

Plunkett There shouldn't have been any. Yes.

Choi Yes, so I just wanted to make a note of that.

- Plunkett Yes. And can we –
- Poore And they –
- Plunkett The, the LOIT – I know we went through this a little bit last year –
- Harris Yes.
- Plunkett But the LOIT Special Distribution Fund has specific criteria it can be used for, correct? Can we walk through that briefly? Is that?
- Poore Well I can tell you – Heather could probably be more specific but it, for capital expenditures which this being a one-time capital expenditure purchase of cars is like a perfect case scenario for this money.
- Plunkett Yes.
- Poore As far as anything specific past that, Heather or Tim might be able to answer that.
- Plunkett It's all right. I guess I just want –
- Harris Yes, just think –
- Plunkett To make sure this qualifies.
- Harris About capital expenditures or expenditures –
- Poore Right.
- Harris Supporting police and fire really.
- Plunkett Yes.
- Poore Yes.
- Plunkett Okay.
- Harris It's the easy way to think of it.
- Garrett So Cindy –
- Poore Yes.
- Garrett Again, just so we're all on the same path – on, and this is what I've, I must thinking, November 2nd we appropriated \$65,698. That was for the equipment for the cars, not for the cars themselves because you had been told –
- Poore Correct.

Garrett The cars had already been ordered. Had you been told, had you not thought the cars had been ordered ahead and come to this Council for the appropriation, I would like to think it would've been approved then anyways so this is more of a –

Poore And I will say that –

Garrett Clerical thing than anything else.

Poore We've been able to encumber some funds. They did have some funds leftover from last year and then they did still have some funds leftover from their budget. The total cost of the cars is around was it \$253,000 or \$258,000 – something like that and so we are able to compensate a little bit with those funds.

Burk I guess the only thought I have – I'm happy to support it and I agree we would've supported it in a previous budget. It's a pretty salty price tag. I know we've done a lot of work and we've talked a lot about ARPA dollars kind of as one-time expenses and allow that around public safety. I mean, I'm happy to support this but I just wonder if that's not something we should look at as part of an ARPA Fund and not necessarily have to do this through General Funds.

Plunkett Well I feel like, I feel like the LOIT Fund –

Choi It's similar.

Plunkett Yes it's similar but I feel like we've got less restrictions with the ARPA than we do this LOIT Fund. Right? I mean, so it makes sense to – I think it likely makes sense to do this.

Poore Because with the ARPA you would have to put together a plan –

Plunkett Reestablish a plan and yes –

Poore And so forth and so it'd be a little bit more time consuming as far as time wise I don't know that we have –

Plunkett Yes.

Poore This time anyway but, of course, we have, the cars are on a rotation so possibly for next year.

Burk Okay. Thank you for that.

Plunkett Any other questions for Cindy or Captain Sterling?

Garrett I'll make a motion to approve if there are no questions.

Culp Second.

Plunkett First by Councilor Garrett, second by Councilor Culp.

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Harris Public hearing.

Plunkett Oh.

Harris Cancel.

Garrett I withdraw my motion until the public hearing.

Plunkett All right, very good. This is a public hearing. I have proof of publication of the public notice of the public hearing. If there is any member from the public who would like to comment, the public hearing is open. No one would like to comment. I'll close the public hearing. All right.

Garrett Thanks, Heather. I'll make a motion to approve.

Plunkett You want to second that Joe?

Culp Second.

Plunkett First by Councilor Garrett, 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.

Poore Thank you.

Plunkett Thank you.

Consideration of a Resolution Regarding the Appropriation of Additional Funds (Non-DLGF) Resolution 2023-07 *(This replaces Resolution 2023-04 from the February 13, 2023 meeting)*

Plunkett Last item – Consideration of a Resolution Regarding the Appropriation of Additional Funds. This is the Non-DLGF portion. This is Resolution 2023-07. Councilors, you'll recall this replaces Resolution 2023-04 from the February 13, 2023 meeting. Cindy –

Poore Yes. Initially the original resolution had the Non-DLGF Funds on there that you see on this resolution but also one from the Park Operating Fund and we decided or you decided at that time that you wanted those split out so this, the one that you see before you now is just the Non-DLGF Funds that should have been budgeted during the budget process and were overlooked.

Garrett So, Cindy, can you – I get Non-DLGF funding and mechanism and whatnot. Talk to me though like, the Town Hall Lease Fund, right, so –

Poore Yes.

Garrett Payments for this building, makes sense. It's funded by the Oak Street TIF, Food and Bev, CCD and General Fund. Are any of those components of those revenues recognized in the approved budget? Does that make sense? Like in other words, is \$200,000 coming out of the – I'm just trying to get a sense of by making a lease payment, are we putting the budget we approved in the red or is it being generated by things that were not included as revenue sources in the budget we approved and, therefore, it is a non-issue related to the operating budget?

Poore It's basically a non-issue related to the operating budget. These funds come in through the settlements twice a year and other than one or two of them, it's specifically for that lease payment and then we take care of transferring the money over.

Garrett So when we look at Food and Bev's a great example right?

Poore Yes –

Garrett When we look at, when, when we are in November or even sooner looking at revenue sources –

Poore Yes –

Garrett Food and bev is not considered a revenue source that is applied towards the operating budget, correct?

Poore Right. It's not part of our what you would call our DLGF –

Garrett Budget process.

Poore Budget but we do usually go through and just so we have those numbers for you.

Garrett Yes, I know it's helpful –

Poore Yes.

Garrett I just, I want to make sure we weren't taking revenue from there and –

Poore Correct.

Garrett And then applying to Non-DLGF –

Poore Correct.

Garrett Most of these are passthroughs or lease payments. Unsafe Building Fund it sort of specifies what it's for and says it's budgeted for expenses related to the Unsafe Building Code. What does that mean?

Poore Basically, the fund was approved for an ordinance quite some time ago but it was only set up as a matter of a couple years ago when we had to go through and there was, the old PNC Building, I think, that we and funds came in for the demolition of that building through Code and so at that point in time we really just kind of put that budget in there if it's needed. I know last year we budgeted for it, nothing was used out of it so it just fell back into the fund. There are some Code fees that do get put into that fund depending on what the situation is.

Harris Yes and just it's for any, like if there are violations of –

Poore Right.

Harris The Building Code and you get cited for those violations, those citations, those fines will get dumped into this fund.

Garrett Got it. So this just, this is just allowing, this is setting up a \$10,000 placement so that if something comes up you don't have to come for an appropriation?

Poore Correct.

Garrett Got it.

Plunkett Any other questions from Councilors? Otherwise, I would entertain a motion.

Choi Motion to approve.

Plunkett First by Councilor Choi.

Garrett I'll 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 6 in favor, 0 opposed.

Poore Thank you.

Plunkett Thank you.

Choi Thank you.

Plunkett Momentary pause for emphasis there, huh?

OTHER MATTERS

- Plunkett Up next on the agenda is Other Matters. Are there any Councilors that have other matters they'd like to address?
- Culp Yes, I have a quick question. Can you get Lance back up here real quick? You're not in trouble, I promise. I nailed my mailbox back in.
- Lantz And I was already packing up.
- Culp So –
- Lantz What can I do for you?
- Culp I've had some people ask about the roundabout at Oak and 800.
- Lantz Yes.
- Culp I was wondering if you could give us a quick update and timelines.
- Lantz Yes. The general information is posted on the website.
- Culp Yep.
- Lantz There'll be some preliminary construction activities beginning but as of June 1 it is a planned 90-day closure while that intersection is reconstructed.
- Culp Okay.
- Plunkett It's a 90-day closure starting June 1.
- Lantz Correct.
- Plunkett Complete closure?
- Lantz Correct.
- Culp Is that like kind of based, so school was out? Is it –
- Lantz Well, obviously, 90 days is longer than the summer break –
- Culp Yes, that's true.
- Lantz But rather than adjusting buses schedules in both the spring and the fall, we thought a one-time adjustment would be best.
- Culp I think that was smart, so. Thanks.
- Lantz Okay, you bet.
- Plunkett Anything else from Councilors?

Garrett I'll make a motion to adjourn.

Burk Well, I was going to say something.

Garrett Oh, sorry Brad.

Burk Folks may not know this is civic learning week and mostly geared towards high school students but I think it's probably a good reminder for all of us and we may have some students that are watching the meeting – I hope so, I don't know. It's been a good meeting to watch probably in terms of just some education, got to see a veto override which is not all that common. I think I can count on one hand vetoes that we, been brought before this Council. We got to hear from Heather on a reorg which is kind of a constitutional question for us just really hashing out what's the, what's the legalities and the constitution of our Town and you got to see some real collaboration, I think, whereby department leadership who I very much appreciate their partnership came to us with five different proposals, four of which had fiscal impact and we passed all five and I know there's a perception out there that we don't always work well together but, in fact, that's not the case. It's the norm that, that we do work well together and even on budgetary issues where you're coming with additional asks of revenue, we were able to accommodate that so I hope folks watching, if they are, had some civic learning today. Just a statement. Sorry Josh.

ADJOURN

Garrett No. Can I adjourn? I'll make a motion to adjourn.

Plunkett I'll second that. First by Councilor Garrett, second by President Plunkett. 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, March 20, 2023 at 7:30 a.m. in the Zionsville Town Hall Council Chambers. Final notice will be posted in compliance with the Indiana Open Door Law.

Respectfully Submitted,

Amelia Anne Lacy, Municipal Relations Coordinator
Town of Zionsville