



**ZIONSVILLE TOWN COUNCIL
MEETING MINUTES
FOR
JULY 21, 2025
AT 7:30 A.M. EST
ONSITE MEETING
1100 West Oak Street**

This meeting was conducted onsite.

Council Members Present: Jason Plunkett, President; Tim McElderry, Craig Melton, Evan Norris, Sarah Esterline Sampson, and Joe Stein

Absent: Brad Burk, Vice-President

Also Present: Heather Harris, Town Council Attorney; Mayor John Stehr; Deputy Mayor Justin Hage; Mike Dale, Director of Planning & Building; Cindy Poore, Director of Finance & Records; Lance Lantz, Director of DPW; Amy Lacy, Municipal Relations Coordinator and other Town staff.

Due to technical difficulties, the beginning of this meeting was not recorded.

OPENING

A. Call meeting to order

B. Pledge of Allegiance

President Plunkett called the meeting to order at 7:30 a.m.

APPROVAL OF CONSENT AGENDA ITEMS

A. Approval of the July 7, 2025 Town Council Minutes

B. Approval of the July 21, 2025 Claims

Motion to approve the Consent Agenda by President Plunkett. Second by Councilor Sampson. Consent Agenda was approved by a vote of six in favor, zero opposed.

REQUEST TO SPEAK

A Request to Speak was submitted by Leslie Carter, 255 W Pine Street. She withdrew her request, choosing to speak during the public hearing regarding item 6 A, the Alley Vacation at Hawthorne and Second Streets.

MAYOR/ADMINISTRATION UPDATE

This is where recording started

Stehr ... reopening of the bridge. We'll reopen the Holliday Road nature trail which connects Holliday Farms with 975 East. Also I wanted to let you know that we have entered into an agreement to paint the lampposts in the Village. There is faded paint on most of them and rust on some of them. They will be sandblasted and repainted in Zionsville green. This expense is covered under the current budget. Work on this should begin in late August or early September so they will be bright and shiny for the Fall Festival come October.

The Zionsville Street Dance is coming up on August 2nd. This will be the first such event of this size since the Designated Outdoor Refreshment Area was put into place earlier this year. The Main Street organization has had two of its Mingle on Main events so far, both have been very well received and well attended and DORA has really been a great addition to that.

And finally, and normally I wouldn't make this part of my Administration report but I wanted to take a moment to mark the passing of Doug Pendleton. Most people around here know him as the Wine Guy. Doug owned and operated the Grapevine Village for nearly 30 years on Main Street in Zionsville and arguably his business did as much as any to draw people back to Zionsville again and again over the years. His kindness and knowledge for his customers were legendary. Doug died as a result of injuries suffered in an accident in Fort Wayne earlier this month at the age of 77 and he will be surely missed. And that's all I have. Thank you very much.

OLD BUSINESS

Consideration of a Right-of-Way Vacation (Holliday Farms) (Final Reading) **Ordinance 2025-16**

Plunkett Thank you. All right, first item up of Old Business is a Consideration of a Right-of-Way Vacation. This is for Holliday Farms. This is a final reading, Ordinance 2025-16. I know we heard this at the last meeting. We have Mike Dale, Director of Planning & Building here if needed. Are, are there any questions or comments from Councilors?

Sampson Did we hear anything from anyone? Because I got nothing from anybody worried about it from Holliday Farm.

Norris I didn't hear one word.

Sampson Okay.

Plunkett Otherwise I would entertain a motion.

Norris So moved.

Plunkett We have a first from Councilor Norris.

Melton Second.

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

All Aye.

Plunkett Those opposed same sign.
[No response]

Motion passes 6 in favor, 0 opposed.

**Consideration of an Ordinance Regarding Right-of-Way Consent to Encroach
(Final Reading)**

Ordinance 2025-17

Plunkett Up next is a Consideration of an Ordinance Regarding Right-of-Way Consent to Encroach. This is also a final reading, Ordinance 2025-17 and we have DPW Director, Lance Lantz, here if there are any questions from Councilors. Are there any questions? Having none I would entertain a motion.

Harris And just a reminder – there's an amendment which I'm happy to explain. There's just a few technical amendments as well as Councilor Melton at the last meeting requested clarification about providing written permission if you're going to have something in the street or on the sidewalk for more than 24 hours and also to clarify that if you are required to have lamplights or some kind of cones that would be at the requestor's cost and so those are included in the changes.

Plunkett Thanks Heather. Any questions or comments from Councilors? Having none I would make a motion to approve Ordinance 2025-17 on final reading with the appropriate amendments.

Norris Second.

Plunkett I have a second from Councilor Norris. All those in favor signify by saying aye.

All Aye.

Plunkett Those opposed same sign.
[No response]

Motion passes 6 in favor, 0 opposed.

NEW BUSINESS

**Consideration of an Alley Vacation (Hawthorne & Second Street – Kennedy)
(Public Hearing) (First Reading) Ordinance 2025-18**

Plunkett First item of New Business is a Consideration of an Alley Vacation. This is Hawthorne and Second Street. This, this is Ordinance 2025-18. This is a first reading. We have Mike Dale, Director of Planning & Building, Dale Kennedy, the petitioner, and I believe we also have Leslie Carter, Leslie B. Carter who also will give consideration during the public hearing so, Mike, go ahead yes.

Dale Good morning. I'm Mike Dale, Director of Planning & Building. Clarence and Cheryl Kennedy are here to request a vacation of a public alley between Lots 2 and 3 in the original plat of the Town of Zionsville. The petitioner owns both of those lots located west of South Second Street. The petitioner is asking to, seeking to build a house on Lot 3 which is located south of the subject alley. They are needing or requesting the additional area of the alley for purposes of avoiding variances for lot coverage, minimum lot coverage and minimum building setbacks when they propose to build their house. They wish to vacate the entire 16.5-foot alley located between Lots 2 and 3. The alley is currently improved with gravel and supports overhead utilities and underground conduit for charter Spectrum which is an internet, TV, mobile phone services provider. The Department of Public Works has issued a letter as part of the review for this project indicating that the vacated area should remain, remain as a utility easement allowing for continued maintenance of the utilities within the easement.

Staff notes that there is a residential garage located west of the alley. Presumably the owner from time to time of that garage uses this alley for accessing the garage, however, there is a reference in the proposed ordinance under Section 3, Access and Utilities, that states that the public access for unimpeded vehicular and pedestrian use shall be provided by the owner of the area. So in other words, even though this alley would become privately owned, it would still remain publicly accessible both for maintaining the utilities and for pedestrians wanting to or needing to use that alley. That's all I have for you at the moment. If you don't have any more questions for me or any other questions for me, the petitioner, I believe, is here.

Plunkett Questions from Councilors for Mike?

Sampson With this being in my district, I do see two neighbors needing use of the alley for different reasons and I guess I wanted to hear from Leslie just to get a feel for because I read your letter that said –

Harris Well wait just a second.

Plunkett Yes, we'll –

Harris We want to have the petitioner first –

- Sampson Okay but –
- Harris To present.
- Sampson For, for you Mike my question would be when you write that you're okay with it if there's the utilities and an easement, is that easement recorded and it stays with the property not just with the current owner?
- Dale Yes, in fact –
- Sampson Is that an expense incurred on, on the Carters or is it on – like is there an expense that comes with that recording?
- Dale Right, within the ordinance that would be recorded it states that Ownership, Maintenance and Repair the bordering properties are owned by the petitioner at the time of consideration, the vacation will transfer ownership including all ongoing maintenance repair obligations and all liability equally to the property owners on both sides of that, that alley. So the, both the property owners are responsible for maintaining the alley and also whoever may have access or need to use the alley for those, those utilities would have a right to access and maintain the utilities within that easement.
- Sampson Okay. So instead of recording of that easement would be –
- Dale It'll obligate the owners –
- Sampson Whose obligation?
- Dale It obligates both. It obligates the owner to maintain the easement and also provides the, those interests that have utilities within the easement to maintain, it gives them a right to maintain those utilities.
- Sampson I'm thinking more if Ms. Carter sells her property, how does she ensure that the next people have that easement?
- Dale Well this work will be recorded and will be found in any title search whenever there's a transfer of ownership.
- Lacy And Sarah, the town normally does that.
- Sampson Okay.
- Lacy And it's just like a \$25 fee.
- Sampson Okay. I just wanted to make sure that that was like not just something at this meeting that's lost in minutes and – okay.
- Dale No. Good question.
- Plunkett So the idea, Mike, is that – I know we've done this in the past, especially when alleyways aren't really used regularly in the Village. The idea is that, if I read

this correctly, half of the alley that exists now would provide Mr. and Mrs. Kennedy the opportunity to build whatever house they need without a variance request.

Dale Well, it depends on the size of the house they want to build. At least, if it doesn't eliminate – if it doesn't eliminate the need for a variance, it will minimize the need for the variances.

Plunkett Yes.

Sampson Kind of a concern I had too because of the feedback we got from a house on Main Street being bigger than the general consensus wanted it and if we take this away and then suddenly a bigger house appears we've kind of created the path without seeing the horse. So that was just my one – but I was thinking maybe you would have had some sort of access to what is planned to be built because you said it still needed variances or is that just supposing that it would still?

Dale I think – I'm not quite sure on the status of the proposal. Roger Kilmer had been working on this, though there has been discussion within the office about their proposal to build a house on the lot, on, on Lot, on the southern lot, Lot 3, I believe, and the calculation for lot coverage and building setback looks like the owner would, would encounter the need or a request to exceed the minimum lot size, minimum lot coverage and to exceed the minimum setback for that area next, next to the alley. There was also conversation among staff that even if the alley vacation is granted, the owner may still be challenged or may still want to seek those variances.

Plunkett Mike, the Finding of Facts in here that says that the Town Council has determined the proposed alley vacation is in the public interest because the alley serves no public function or present and its vacation does not cause hardship to other properties or lots or eliminates future access. That's, that's staff's finding, correct, that we would then sign off on?

Dale Correct.

Plunkett That's the –

Dale Yes, that's correct.

Plunkett Okay. Any questions for Mr. Dale?

Dale Thank you.

Plunkett Okay. I would point out that this is a public hearing. I have proof of the publication of public notice of the hearing. At this point I'll open the public hearing if anyone from the public would like to speak on the matter.

Kennedy I'm Clarence Dale Kennedy. I'm the petitioner and I went over, Mike Andreoli is my attorney and we've went over the recommendations. Also had some conversation with Roger Burrus which is representing Leslie and my wife and I have no interest in building across the easement and we're willing to keep it open

for the access for the necessary use for anybody in the area that needs to. We're just needing the area to try to stay within the restraints of the standards for building a home and it's really challenging on these smaller lots in town to not go over the 35% lot coverage and in order to try to help build a home that is, that someone might want to live in, it's come to our attention if we vacate the, if we can vacation the alley then we can come closer to getting what we feel is needed for our home and try to stay within the restraints and the setbacks of, without having any special easement or assessments or whatever so.

Sampson Do you already have a plan for the home that is going on there or this is a concept?

Kennedy No, no. We've got an actual plan that is right at the 35%, actually it's 37% because we're going to put in a small pool there.

Sampson And this is an investment property you're looking to sell?

Kennedy No, no. It's my home.

Sampson Okay.

Kennedy It'd be for my home and we've, and we actually had two lots there and we combined both of those to try to accommodate that but part of the second lot was given away prior to my ownership of it to, when my one neighbor would build, expanded his garage and stuff some of the land was given to him in prior years and that kind of put a little bit of a squeeze on trying to get a piece of property where, where you have adequate size rooms for – we're trying to make it all wheelchair accessible so that in all the rooms so that it's maybe a little larger than the standard for that reason.

Plunkett Any other questions for Mr. Kennedy? Thank you. Any other members from the public? Sure.

Carter Good morning. I assume you all got my letter and my papers and that –

Plunkett Ms. Carter, would you please just state your name for the record?

Carter Leslie Carter –

Plunkett Thank you.

Carter Address is 255 West Pine Street.

Plunkett Thank you.

Carter That alleyway is the only way we have to access our garage. There's an alley that runs, if you look at the pictures, that runs side to the house but you cannot turn into the garage and even with that alley there it's hard to get into one of them. So if you totally vacate the alley without a, without an easement we: 1) No vehicle can get in there; and 2) My property values would tank. So I'm more than happy to have Dale Kennedy own it as long as he keeps it open and has a perpetual

access easement for vehicles that, that is, that will go with the house when I, when and if I ever sell it. That's my biggest concern. I mean that is the only way and that, that, that garage was built because the alley was there. I mean back in the old days that's what they did. They had detached garages and they put it because of where it was.

Plunkett So, Ms. Carter, just to be clear, you would not be opposed to this assuming you had access to that alleyway?

Carter Assuming I had it in writing that it would go with the house forever, yes. An easement.

Plunkett So, perhaps, Mike, is there, is there such thing as a perpetual access easement and would the utility easement essentially serve that purpose?

Norris That's what I was gonna ask.

Dale Yes, exactly. Section 2 of the ordinance or Section 3 that is, states that the area to be vacated shall remain as a perpetual access and utility easement.

Norris Yes, that's what I was gonna ask. So, so does #3 assuage everyone's concerns here?

Dale Well, I can't speak for everyone.

Norris Well, everyone, everyone that's spoken today?

Dale To my knowledge, yes.

Norris Okay.

Sampson I wasn't sure if that had to be spelled out that the access could be specifically for her address or – because when I read it I did read perpetual access and utility easement and I wanted to make sure there was no murky area where it was just the utilities had a perpetual access since that's in the same conjunctive sentence.

Dale Right and the next sentence expressly states a public access shall remain unimpeded –

Sampson Okay.

Dale For, for vehicular and pedestrian use.

Sampson And so there's no need to put her address in here or?

Dale I don't believe so.

Carter I don't either.

Sampson Okay.

Plunkett So I guess, Ms. Carter, just to be clear – this ordinance seems to address your exact concerns?

Carter That's the, what he just said does address my concerns.

Plunkett So with, with that I guess in your email you mentioned you would be willing to withdraw your objection understanding that are you, you're okay with this then?

Carter As long as that means that forever –

Plunkett Yes –

Carter It can be accessed with a vehicle, I'm, I'm good.

Plunkett Sure. Thank you.

Carter Yes.

Plunkett Any other questions for Ms. Carter?

Sampson I have one more. Oh, not for her – I'm so sorry. This is for Mike Dale. So, therefore, does he need to keep the rock road there as an access or could it become grass or, like I want to make sure we have that clarified.

Carter Can I address that? We have maintained it even though it's, it's town owned. They did put gravel in one time when I called early on when I moved in but – and they grade it once a year but I pay to have the weeds sprayed or my son to weed whack and then spray with vinegar. We've maintained it and it can't be grass for the cars.

Sampson So if we vacate, we no longer take care of it.

Carter I know.

Sampson So that's just –

Carter Yes –

Dale Well, but I don't know to what extent the town has been taking care of it –

Norris That's what I was gonna say –

Dale Anyway.

Sampson Well, she just said we graded it.

Dale Well yes –

Sampson But I'm telling her that we would stop coming.

Carter Right.

Sampson Okay.

Dale Yes, it states in the last sentence there that the ownership is responsible for all ongoing maintenance, repair obligations and all liability equally to the property owners and subsequent owners of the two bordering property – so, that –

Sampson But that goes back to you.

Carter Yes.

Dale Yes.
Kennedy And that's fine.

Plunkett Any other questions from Councilors?

Melton Yes, I actually – this is kind of a side comment with regards to future development in the Village with regards to accessory structures such as garages. It looks like this garage in this photo that you've given us – this is really a question for Mike, actually, so don't scoot. Setbacks or side setbacks do you know off the top of your head is that generally 5 foot on structures like these? Is this, I guess my question is the structure. I'm not asking if this one is legally built because I don't wanna go there. My question really is I see a fence that comes out about 4 feet, 5 feet in the picture and I'm, I'm guessing we have these all around town where we have garages on alleys where there may not be a perpendicular access point like this one and I just was curious is, is this typical? I'm from the west side over here and I don't travel all these alleys as often as I should but is that, is this a continued problem to have like – we had one other access like this where it was a dead end and we were vacating an alley and there was some pushback back and forth on a similar situation where it was a dead end near the Big 4 Rail Trail and all that. I guess I'm just asking side setback, this would be a rear side setback of 5 feet for an accessory structure. Is that our requirement for an accessory structure off of an alleyway?

Dale Mr. Melton, I believe the current standard is 20 feet but I would need to confirm that for you.

Melton Okay. I guess in the future that maybe something we'd want to investigate as we clean our ordinances up a little bit and just make sure that we're building these things in the proper areas.

Plunkett Anything else for Mr. Dale? All right, at this point I will close the public hearing unless there's anyone else from the public who would like to speak. All right, so, again, we have, this is a first reading for Ordinance 2025-18 Consideration of an Alley Vacation. Any questions or comments from Councilors? Otherwise I would entertain a motion.

Norris I would make a motion to introduce Ordinance 2025-18 on first reading.

Stein Second.

Plunkett First from Councilor Norris, a second from Councilor Stein. All those in favor signify by saying aye.

All Aye.

Sampson Those opposed same sign.
[No response]

Motion passes 6 in favor, 0 opposed.

**Consideration of an Ordinance Amending the Subdivision Control Ordinance
(Petition 2025-49-OA) Ordinance 2025-19**

Plunkett Up next on the agenda is a Consideration of an Ordinance Amending the Subdivision Control Ordinance. This is Petition 2025-49-OA, Ordinance 2025-19 and we have Mike Dale, Director of Planning & Building to present.

Dale Hello, good morning again. This next item is a Code amendment to Chapter 193 of the Code of Ordinances for the Town of Zionsville which is also known as the Subdivision Control Ordinance for the Town of Zionsville. The state legislature signed a bill recently that requires local units of government to amend their Subdivision Control Ordinances that would require the use of FEMA flood plain maps and NOAA (National Oceanic & Atmospheric Association), NOAA, their precipitation data when reviewing primary plats. So primary plats are the first stage in the subdivision of land for a major subdivision and those primary plats are reviewed by staff for compliance with our local regulations. What this ordinance would do is make sure that we're also reviewing flood plain maps and NOAA precipitation data when assessing these primary plat proposals. And so this is really kind of a housekeeping matter of just making sure our ordinance, our Subdivision Control Ordinance, complies with this recent legislation.

Plunkett Thanks Mike. Are there any questions from Councilors?

Sampson Are these – oh, go ahead.

Norris The only thing I was going to ask is when, I know there were a lot of deadlines that passed by July 1st. Was this one of those that we need to accelerate this at all?

Harris I don't think so. I mean –

Norris Okay.

Dale It became effective, the legislation became effective July 1st so we're just doing the best we can to keep up –

Norris Clean up?

Dale With the legislation.

Harris And also this comes from the Plan Commission so we just –

Norris Oh, it's a final, okay. That's, my whole purpose was to see if – never mind.

Sampson Yes.

Norris Got it.

Plunkett Any other questions from Councilors? Having none I would entertain a motion.

Melton Motion to approve Ordinance No. 2025-19.

Plunkett I have a first from Councilor Melton.

Norris Second.

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

All Aye.

Plunkett Those opposed same sign.
[No response]

Motion passes 6 in favor, 0 opposed.

Town Council Renewal of the Municipal Solid Waste Recyclable and Compost Collection and Disposal Contract By and Between Town of Zionsville and Priority Waste LLC

Plunkett Up next on the agenda is, is the Town Council Renewal of the Municipal Solid Waste Recyclable and Compost Collection and Disposal Contract by and between the Town of Zionsville and Priority Waste, LLC. We have DPW Director, Lance Lantz, here who will walk through this for us.

Lantz Thank you and good morning. We are currently in our third and final year of our trash contract with Priority. Because it takes a, can take a very long time to bid these projects or solicit proposals, we wanted to kinda lock this up now and get it off everybody's radar and extend this contract as the original contract allows, an additional three years of the same terms and conditions. So the contract into which we entered with Priority about 2-1/2 years ago escalates rates annually at 3%. This contract extension continues that 3% annual escalation. So if you are inclined to approve this and I do recommend that you do, the motion today would be to approve the contract extension with the authorization of the Council President to sign on your behalf. That was the same approach we took with the initial contract. So I would be happy to answer any questions you might have.

Plunkett Any questions for Mr. Lantz?

- Stein My only question – can we? I mean I know we oftentimes have to have sealed bids. Is this a situation where we can avoid that and just approve it?
- Harris Yes, we can because actually when the Town Council approved the original contract, we approved it with this ability to renew and also there's not a real, real rate increase because it follows the pricing that we'd already set out in the original contract.
- Stein Okay.
- Plunkett Any other questions? I would make a motion then that we approve the renewal of the contract by and between the Town of Zionsville and Priority Waste, LLC.
- Sampson Second.
- Plunkett Second from Councilor Sampson. All those in favor signify by saying aye.
- All Aye.
- Plunkett Those opposed same sign.
[No response]
- Motion passes 6 in favor, 0 opposed.
- Norris Nice, everyone's on the same page.

OTHER MATTERS/ADJOURN

- Plunkett Everybody wants it. All right, up next are Other Matters. Are there any other matters from Councilors? Having none, I would make a motion to adjourn.
- Norris Second.
- Plunkett Second from Councilor Norris. All those in favor signify by saying aye.
- All Aye.
- Plunkett Those opposed same sign.
[No response]
- Motion passes 6 in favor, 0 opposed.
- The next regular Town Council meeting is scheduled for Monday, August 4, 2025 at 7 p.m. in the Zionsville Town Hall Council Chambers. Final notice will be posted in compliance with the Indiana Open Door Law. Thank you.

Respectfully Submitted,

Amelia Anne Lacy, Municipal Relations Coordinator
Town of Zionsville