



**ZIONSVILLE TOWN COUNCIL
MEETING MINUTES
FOR
MONDAY, FEBRUARY 13, 2023
AT 7:30 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; Alex Choi, Joe Culp, Josh Garrett, Craig Melton, and Bryan Traylor

Also Present: Heather Harris, Town Council Attorney; Cindy Poore, Director of Finance & Records; Jarod Logsdon, Parks and Recreation Superintendent; 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 morning. I will now call to order the February 13, 2023 Regular Town Council meeting. If you would please, stand and join me in the Pledge of Allegiance.

All Pledge of Allegiance.

APPROVAL OF THE FEBRUARY 13, 2023 CLAIMS

Plunkett Up first on the agenda is the approval of the February 13, 2023 Claims. Are there any questions for Councilors?

Traylor I have one question. We have Ice Miller showing up again for \$3,000. I'm curious if – are we under a retainer at this point with Ice Miller or is that billed as we go or?

- Poore I'll have to find that out Bryan. I'm not sure if we're under a retrainer or not. I do know that they've been helping with some various things but I don't know if it's just as we go or a retainer.
- Traylor Do you have any idea what – I know the description was Mayor's general projects but do you have any idea what those are?
- Poore I do not know what that is.
- Traylor Okay.
- Poore I can find that out for you as well.
- Traylor Okay.
- Poore And send it to you.
- Traylor I'd request we pull that one until the next meeting then.
- Plunkett Yes, Cindy, I've got a question about that too. Was, was that budgeted out of that department? Do we have these expenses budgeted for Ice Miller also out of this department?
- Poore I mean it would've been under the budget of most likely consulting or contractual services.
- Plunkett Yes, I mean, I'm fine with Councilor Traylor's opinion to pull that until we get an answer.
- Traylor And the other thing I had a question on was – and this may be a better question for Mr. Lantz but I noticed that we have a contract where we spent like \$4,700 on snow removal. I know we have that equipment. Are we just – I know, obviously, our focus first is community, the surrounds but is, is, are we just understaffed to be able to accommodate clearing Town Hall as well?
- Lantz That's correct. Town Hall winter services are under contract.
- Traylor Okay, so –
- Lantz We can't get to them in a timely fashion when we're dealing –
- Traylor Okay.
- Lantz With the roads.
- Traylor All right. That's all, that's what I assumed, I just wanted to make sure. Thank you.
- Plunkett Any other questions for Cindy? Otherwise, I would entertain a motion.
- Choi Motion to approve.

Burk Second.

Traylor Is that –

Garrett What was the motion? I’m sorry, I didn’t hear the motion.

Plunkett I was going to say do you want to make a motion –

Burk Minus –

Plunkett To remove the –

Traylor Yes, so I, I didn’t – I think it was –

Plunkett Yes, Alex, did you make a motion to approve all of them or do you want to pull this one out or would –

Choi I’ll withdraw this.

Plunkett So you want to withdraw your motion? Is that what we have to do, Heather?

Burk Yes.

Traylor All right, I’ll make a motion to approve pulling the Ice Miller \$3,000 claim until next meeting.

Plunkett And approving all the others.

Traylor And approving all the others.

Plunkett Yes. Second. 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.

Garrett Hey President Plunkett –

Plunkett Yes.

Garrett On the electronic agenda we’ve still got the approval of the February 6th meeting. Did we not do that?

Plunkett We don’t have the minutes back from that.

- Garrett We don't? Okay. Got it.
- Plunkett Yes.
- Garrett It was on the electronic one. It wasn't on the paper one –
- Plunkett Yes.
- Garrett So I just wanted to confirm that.
- Plunkett Okay. Thank you.

REQUEST TO SPEAK ON AGENDA ITEM

- Plunkett Up next is Request to Speak on Agenda Items. I do have a couple of them up here. Amy, are there any others?
- Lacy There should be three there.
- Plunkett Perfect. All right, so just like last time, I'll start a timer and at two minutes and then I'll give you a head's up when you're there and then you'll have one minute. If you would when you come up, just please state your name and your address and the agenda item you are speaking about. Up first will be Sam Scheidler. Morning.
- Scheidler My name is Sam Scheidler. I have at 10325 Cottonwood Court in, in Oak Ridge. I've lived there a little over 25 years. I'm here for – it's No. 2023-03 or Yes, 03 and at last week's meeting Pat got up and talked about that there are, there's a group of people who wanted to add to the amendment that you're considering and that was to open up the bridge and the pathway out to Holliday Farm and I thought I was going to be able to speak last week but I didn't understand the system and my slip got lost and so anyway, I wasn't able to but I wanted to refer to something that was said by one of the Council members near the end of the discussion last week and that was – to paraphrase – you know this only benefits Oak Ridge and we already allow the carts on Willow so I don't know why we're talking about this or something to that, to that effect. And I live in Oak Ridge and what is really apparent if you live there is Oak Ridge is a passthrough neighborhood for Spring Knoll, Smith Meadows, Stonegate, not Stonegate, Rockridge and then a whole rural area out there pass through. So for carts to Holliday Farm, it would be for a much larger population. And then the comment about we already allowed on Willow which, with this amendment that's all true but as someone who lives in Oak Ridge, every time I go and all those people who go through Oak Ridge, every time we go to Michigan Road to go to Carmel, Indianapolis, anything we want to do on Michigan Road, we go along the golf course to Willow which is a T and for years it was easy to turn left on Willow to get out to Michigan Road. It's not anymore. There is so much traffic on Willow right now that I think it would be a, to, to only allow all those golf carts that are out in Holliday Farm to get to the Village to only allow that on Willow I think is a mistake because there's a lot of traffic on Willow and with the addition of the neighborhoods out there and with some school re, redistricting, the amount of traffic on Willow is only going to increase and there, there are blind spots and

other difficulties out there. That's about it. I, I think opening that bridge benefits much more than just Oak Ridge is my point and I don't think we want all those carts from Holliday Farm on Willow because it's becoming a high-traffic road, street. Thanks, thanks a lot.

Plunkett Thanks, Sam.

Choi Thank you.

Plunkett Up next would be Kim Graham.

Graham My name is Kim Graham and I live at 10309 Hickory Ridge in Oak Ridge and I've been a resident of Zionsville for 35 years. Thank you for giving me the opportunity to speak this morning Mr. President and I here too am here to speak about the golf course, Golf Cart Ordinance. And I agree with everything that Sam just said. I was out of town during the last meeting so I wasn't able to be here but I did watch it online and would like to speak in favor of the ordinance and especially the request for golf carts to be on Turkeyfoot Road and the 225 feet of path and the bridge specifically. I feel that I can provide a unique perspective on this because I'm a runner, I'm a biker, I'm a golfer, I live in Oak Ridge and I have a lot in Holliday Farms with plans to build. I'm on that path almost every day and I have some photos and some measurements that I'd like to provide so that it's clear to the Council what our request is actually entailing.

First, I think it's important to note that the Turkeyfoot trail is 13 feet wide. This trail is wider than any other sidewalk, path or trail that I know of in Zionsville and the section of the Turkeyfoot trail that would need to be addressed, again, it's a mere 225 feet. As of now, golf carts are already coexisting nicely with runners, walkers and strollers on the remaining almost three-quarters of a mile of the trail that extends from the yellow park bollards on through the Holliday Farms neighborhood to Barrington Way. I've spoken to many families in both Oak Ridge and Holliday Farms and they're in favor and would welcome this addition to the ordinance. Allowing carts on this part of the trail would give Holliday Farms residents easier and safer access to town.

I was recently in a community where it was made very clear to me that the path I was running on was a shared path. It was very well posted. There were signs, uh, let's see – it was a morning rush hour and it was my observation that the residents of that community were very compliant and respectful of the rules and I think living in Zionsville for the amount of time I have, I think those are the same kind of residents we have here and they would be respectful and compliant. If the path were open to golf carts, residents in not only Oak Ridge but Smith Meadows, Buttondown Farms, Colony Woods, Spring Knoll and many others could drive their electric carts to Holliday Farms instead of adding additional cars to the already busy roads. As a golfing member of Holliday Farms, I would love to have the opportunity to drive my cart through Oak Ridge and on a quiet trail versus the busy roads.

Plunkett Thank you, Kim. All right, up next is Pat Cross.

Cross Good morning Council members. Pat Cross, 4998 Turkeyfoot Road. I've lived in Zionsville for more than 20 years. I'll keep my comments brief. With, with three minutes I suppose there's no other option. What Kim said is 95% of the Turkeyfoot trail is actually on Holliday Farms' property. That's something that I learned recently and so the 225 feet is just the portion beyond the bridge and so there are already golf carts on that, on that trail. The 5% is owned by Zionsville Parks and Recreation. I've not had a chance, I have spoken to some folks with the Parks Board but I've not had a chance to nail down all the related issues but the long and short of it is, it seems like given the ownership there should be a way to work this out. I understand that at least one person has raised concern about the bridge itself. I'm not a bridge engineer but as far as the trail and the bridge, there should be signage to help ensure that they're used safely. Emergency vehicles would still have access to the trail, easy access from Holliday Farms from the north end and then also, obviously, south of the bridge from the south end. If the bridge isn't safe for golf cart use, we have a bigger problem because I see, living on Turkeyfoot I see packs of runners including some of our Zionsville Community Schools teams running across the bridge and together they weigh more than one or two golf carts with riders. So, it, again, not a bridge engineer, certainly we should ensure that it's safe but it certainly seems like it should be safe.

And then the last thing that I'll mention is our, our nearby neighbor, Westfield, is home to Bridgewater Golf Club which was also developed by the folks that developed Holliday Farms. Westfield has a golf cart ordinance that permits carts to be used on some trails, principally those that lead to, to Bridgewater. I'll, I hope you'll agree with me that the good people of Westfield are not any more deserving than the people of Zionsville to have this safer, convenient access to a major amenity, a major asset of Zionsville, Holliday Farms.

And then the last thing I'll mention is as far as having carts on trails, this is the only trail. So, for folks who are interested in going to a trail that doesn't have golf carts, this trail already has golf carts. Fortunately, there are many other wonderful options in Zionsville. So, we appreciate your consideration and your time. Thank you.

Plunkett Thank you, Pat. Right on time.

MAYOR/ADMINISTRATION UPDATE

Plunkett All right, up next is the Mayor/Administration Update. We did not receive anything from the Mayor or the Administration so we'll move on to Town Council Update. Are there any updates from Councilors?

TOWN COUNCIL UPDATE

Traylor My update is there is no update on the insurance claim. No further communications there. I, again, stressed to the Mayor and the Administration that they need to be working on this. If, if my math is correct, we are running up against a timeline where we will, we will get sued and it's not necessarily because the petitioner will want to sue us but because they are running out of time with the statute of limitations. So, again, for the, I think this is maybe the sixth meeting in a row I'm asking that the Administration make this a priority and push to get this settled. Thank you.

Garrett And a potential lawsuit could be way more expensive than a settlement, right? And not only if the outcome –

Traylor Will be.

Garrett Will be, Yes, Yes.

Traylor Will be.

Garrett Legal fees –

Traylor Yes.

Garrett Any judgment, I don't understand why they just sit on their hands.

Plunkett I did briefly speak with the claims adjuster from the insurance company last Thursday and was informed that they would be making an offer. However, this is –

Traylor Yes.

Plunkett The third time they've told me that.

Traylor Right and –

Plunkett So.

Traylor No offer has been made.

Plunkett Right.

Traylor Yes.

Plunkett So. It seems like it's getting bottlenecked somewhere and it's frustrating on a lot of different, a lot of different fronts but I would agree with you, Councilor Traylor.

OLD BUSINESS

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

Plunkett Up next is Old Business. First item up is Consideration of An Ordinance Amending the Traffic Code of the Town of Zionsville. This is on First Street. This is Ordinance 2023-02. This is a final reading. I know Lance is here but as I shared with you guys last meeting, this is designed to remove the loading zone north of Oak Street on First Street. As I've said before, when we put that in, gosh, three – I think three or four years ago – there was a lot of loading and unloading that took place because of restaurants that were there. One of those restaurants is no longer there. The other restaurants don't receive their stuff during that same time and I think that going down there and sitting in the coffee shop and seeing the cars that are there I think it's also an issue that we just need to make it a little bit easier for our police officers hat we don't necessarily want them enforcing just traffic codes, we'd like for them to be out doing other stuff too. So, if we can't, I think we've got a lot going on and it's kind of difficult at times to, to enforce that in the morning so I think it must make sense to remove it. I know Lance is here, again, if anybody has any questions for him.

Garrett Lance, you're supportive of this, I assume? Yes? No? Don't know? Okay.

Lantz It makes sense.

Plunkett He said it makes sense – that way you don't have to come up here. How's that? Any other questions or conversation from Councilors?

Garrett I'll make a motion to approve on final reading.

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 7 in favor, 0 opposed.

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

Plunkett Next item up on the agenda is a Consideration of an Ordinance Amending the Traffic Code for the Town of Zionsville. This is in Colony Woods, Ordinance 2023-03. Again, Lance is here for this one as well. As we talked about in the last meeting, this is no different than what we implemented across the street from the high school. We're having similar concerns with people dropping off in Colony Woods and their kids running across the street in an effort to avoid drop off and pick up line so. This was brought to our attention. Lance and I met with a resident of Colony Woods and before we put it on the agenda we requested the approval of the Colony Woods HOA and we received that. They are supportive of this so it seems like something that would certainly make sense. Any questions or comments from Councilors?

Burk Move to approve.

Plunkett First by Vice President Burk.

Traylor Second.

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

All Aye.

Garrett Aye.

Plunkett All those opposed –

Garrett I'm a little slow.

Plunkett All those opposed same sign.
[No response]

Motion passes 7 in favor, 0 opposed.

Consideration of an Ordinance Amending the Traffic Code of the Town of Zionsville (Golf Carts) Ordinance 2023-04 (Final Reading)

Plunkett Up next is a Consideration of an Ordinance Amending the Traffic Code for the Town of Zionsville. This is the Golf Cart Ordinance 2023-04. I would actually request – Heather is in the process of doing additional research on state statutes allowing golf carts in certain areas and we've got a couple other boxes to check, I think. We'd like to continue this to the next meeting if you guys are okay with that?

Garrett Can I ask one question of Jarod?

Plunkett Yes.

- Garrett I just want to clarify something that some of the Request to Speak folks said – the trail that’s on Holliday Farms’ property is not owned by Holliday Farms, it is still owned by the Town, correct?
- Logsdon Lance might need to help me with this one – there is an easement on the right-of-way which used to be the road that extends north of Turkeyfoot and there is an agreed understanding within those easement conditions that golf carts are permitted within that stretch of trail segment as it pertains to Holliday Farms.
- Garrett So let me rephrase the question. The Turkeyfoot trail that is on Holliday Farms is owned by the Town. Is that a correct statement? Or is it owned by Holliday Farms?
- Harris That’s – if I can jump in just to assist to Jarod, so – that’s actually one of the things we’re researching. So we had an opportunity, myself, Councilor Plunkett and Councilor Burk to talk a little bit about that at our leadership meeting on Friday and I know I wanted to reach out to Mr. Lantz to look at the way we did the petition for Holliday Farm and what, who owns that segment of the property, what the easements are and who’s able to go across on golf carts now. So, we have not done that unless Lance happens to know that off the top of the, of his head but that’s one of the things we wanted to figure out. I know I talked to Mr. Cross about it at length and trying to figure out if there’s a way not only with this property but other properties for golf, for trails that might be adjacent to a golf course to kind of look at that maybe a little bit differently –
- Garrett Yes –
- Harris So, you may recall –
- Lantz Specific to the question of the ownership of former Turkeyfoot Road – that is in the process of being dedicated in fee simple to the Town. The question remains whether it goes to the Town proper or to the Parks Board but that is actually recognized former county right-of-way and that will be a transaction not from Holliday Farms but much as you did with the old section of O’Neal Road, Holliday Road going over towards 975, the County Commissioners will transfer that right-of-way to the Town or to the Parks Board. So, ultimately, we will be the owners of that particular trail segment.
- Garrett Got it. I was not aware, and I’m not against it, but I was not aware that the current trail that runs sort of parallel to holes 7 and 8 was allowed to have golf cart traffic on it. It, it is allowed to have golf cart traffic on it?
- Logsdon Yes, I believe that was in the conditions of that transfer which has been –
- Garrett Got it.
- Logsdon Going on for the past two years.
- Garrett Got it. Okay. Okay. I just wanted to clarify that and I’m fine continuing it to make sure we get that legalese but I am supportive of getting those folks a safer

way because I do agree with some of the folks saying Willow is very fast and I would not drive my golf cart on that.

Logsdon And, if I have a moment just to speak about the bridge – so, the bridge originally was designed to be rated for a half-ton pickup truck. There has been severe rot in some of the pillars underneath. It remains completely safe and will continue to be for pedestrian traffics and loads but at this time we have paused emergency response and maintenance activities driving over that bridge while we look to fix that. So, that project has been out for bid twice and failed to receive bids so we are looking at if we can complete that in-house with our team and our capabilities or redesigning it to be steel rather than wood.

Burk Jarod, with that being said, do you have concerns about golf carts? I mean, obviously, that's not the same load as a, as a pickup truck.

Logsdon And that's a much more nuanced conversation about whether we allow golf carts in our park system or if this is the exception since it is close to a, a, a course. What I will say is that within the deed of Turkeyfoot there is a restriction on motorized vehicles of this nature. So there is the limiting factor within the deed. Many times when we receive parkland they come with those caveats and we have to abide by those. So, abuse of that deed restriction could result in the removal of title of ownership from the Town so that's certainly something we need to have considered during this conversation.

Burk Thank you.

Culp So, Jarod, a couple questions for you on this one and full disclosure, I'm a golf member too and I'd be playing with as well, I'm more worried about the safety piece as I mentioned last week. I did have a few people come up to me that are Holliday Farm members saying they agreed with my comments but obviously I'm not saying whether I approve it or not I just want to start with that – my key thing is safety and going back to this yes you would be on less of Willow Road but you still have to go on Willow Road to get downtown because you're sure as heck not going to go up Turkeyfoot and turn left on Mulberry in a golf cart.

Logsdon That is fair.

Culp So that's my other push back on that. And then I would like to know – I know people say that there's golf carts on there but it's a very small area that the golf carts can even go on that little Turkeyfoot –

Logsdon Correct.

Culp It's not the whole thing. No one's driving all the way down. So that would be different for sure and then they would only be able to come from the north side if an accident did happen according to what you're saying about the bridge –

Logsdon Or the southside and go over the bridge on foot, Yes. It just depends.

Culp But you can still come from the north side down –

- Logsdon Yes, correct.
- Culp Through, through the neighborhood if there was something wrong there. But I also do see the point of less traffic on Willow Road all the way around that turn and by Zion Aqua. I can see that as well but it's more the safety on that. There's just a lot of cross traffic on that Turkeyfoot trail.
- Logsdon Absolutely.
- Culp That's what worries me the most.
- Logsdon Yes and how the course set up that it actually goes perpendicular to the trail.
- Culp Yes, that's my point.
- Logsdon And actually, within that stretch specifically pedestrians are to yield to golf carts which we wouldn't do in our park system but that requires the user to know that they should yield when a golf cart is coming out so there is the potential for conflict. I haven't heard that there has been yet but, again, as we continue to grow and more traffic, the likelihood is also there. So, in the, in our world the safest means of transportation is to separate the modes so that's why we have bike trails and there are bike facilities on roads but you don't see a lot of kids and families on the roads even if there is a bike lane just because of the added concern and danger. So, I am all for separating the modes but I'm not so black and white that we couldn't have this conversation if this made sense but in this situation there is a deed restriction so, again, we'd have to weigh that as well but open for the entire conversation of getting people safety to where they want to be.
- Plunkett So, I think, again, excuse me – Heather has a little bit of work that she's doing on this. Again, if you guys are open to it, I'd prefer to kick this to, to the next meeting.
- Burk Do you need a motion to continue?
- Plunkett Yes but –
- Traylor Could we not, I mean, because the, with the ordinance that's in front of us doesn't have anything to do with that, correct?
- Plunkett That's true.
- Traylor So could we not go ahead and vote for this and then because in my mind these are two separate –
- Culp Yes.
- Traylor Conversations. I've got no problem with the ordinance as it's written that's in front of us and I've got no issue if you want to bring an amendment to it back. I've got more reluctance on –

- Plunkett Sure.
- Traylor That topic than this one so in my mind they're two separate conversations that we don't have to hold this up to move forward, to look into that as well.
- Plunkett No, that's fair.
- Burk Can I – Heather, is the only thing that you're kind of researching at this point is related to what would be an amendment to this or are there things within this language that you're also investigating?
- Harris No, I don't think there's anything within this language. We were just trying to address some of the favorable requests that I know they were in favor of the ordinance but with some additional requests and then sorting through these pieces. I remembered enough about the Holliday Farm petition to be dangerous so I just wanted to go back and make sure I understood what we had done there with different restrictions. So there, there weren't any changes to this particular ordinance I think that needed to be done unless you wanted to add something further.
- Burk Well, I mean, I've heard a lot of people say hey, there's parts of Willow I wouldn't be safe on, I don't think I'd take a golf cart on that portion. We could say well, let's fix it and put a trail in but at this point if we pass something we're saying you can take a cart at your own personal choice on how safe you want to be but we are allowing that. My thought would be if we're going to move to have more of a trail option that maybe we then eliminate and now you're saying that's a portion where you don't want to put a golf cart. I'm open to either one I'm just saying like there's, I think everyone who's talked today has said that's probably not a great place to be putting a golf cart. Now, you can count on people to make their own decisions but should we not also say that's a place where we really can't put a golf cart, use the trail instead if it, if it becomes an option? So I do think there's some correlation to, to pieces of legislation here.
- Plunkett Yes, I mean, I think from my perspective in, in reevaluating this, one of the things we had talked about was have we had any issues, any emergencies, any ticketing concerns and we haven't. I see them on Willow Road going over into Austin Oaks crossing over 421 at the stoplight there and I do think it's a kind of like we talked about earlier – I think it's just easier to give our police officers enforcement opportunity to make sure that everybody is doing things the way they should and safely and I'm not, I'm not opposed to, to coming back if we can open up the trail coming back and looking at eliminating Willow Road but, again, I think if we do that, we eliminate –
- Culp A lot more.
- Plunkett The Willows and Austin Oaks and other parts of the Town that people do use Willow Road for already so.
- Culp Well, Yes, and you could go back and say there's all these other roads too – not just Willow –

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- Plunkett Yes.
- Culp That would be just as dangerous that you –
- Plunkett Yes.
- Culp That would be in this ordinance that you can start using.
- Plunkett Yes we had 18 restrictions in the last ordinance so this removes essentially all of them except for Oak Street, Sycamore Street from First to –
- Culp Michigan Road.
- Plunkett Michigan Road and then 96th Street and 106th Street so.
- Burk Mr. President, are there other particular, I mean, is, is the will, is your opinion that you would like, you'd like it as is with the two exceptions that you have or are you of the mind that maybe there are other places that we should consider exempting?
- Plunkett No, I like this. I think Heather and I worked pretty hard on this. I like this ordinance knowing that we would have some, some thoughts about the trail but, again, to Councilor Traylor's point, if we've got support for this, I would certainly be happy to move this along and then give an update at the next meeting. I know you won't be at the next meeting so we won't put anything on that would specifically address it, Councilor Traylor, but we can at least have a presentation or, or talk about what we find out.
- Culp I still agree with that we go ahead and vote on this today.
- Traylor I make a motion to approve on final reading.
- Culp I'll second.
- Plunkett First by Councilor Traylor, second by Councilor Culp. All those in favor signify by saying aye.
- All Aye.
- Plunkett All those opposed same sign.
[No response]
- Motion passes 7 in favor, 0 opposed.

Consideration of an Ordinance Establishing the Position of Director and Deputy Director of Finance and Records and Reestablishing the Position of Municipal Relations Coordinator of the Town of Zionsville **Ordinance 2023-05 (Final Reading)**

Plunkett Up next is a Consideration of An Ordinance Establishing the Position of Director and Deputy Director of Finance and Records and Reestablishing the Position of Municipal Relations Coordinator of the Town of Zionsville. This is Ordinance 2023-05. This is also a final reading and I'm going to let Heather weigh in here if that's all right? I think we're in a similar spot where there's some statutory considerations that we want to review before we finalize this. Is that correct?

Harris Well, so we, between the last public meeting and today we had some comments that were submitted by the Mayor's attorney for us to take a look at. I'm not sure they're really statutory in nature but we haven't had a chance to thoroughly go through all of them. I think some of them we were aware of, or had contemplated already. I don't know if we were aware of her concerns but we were already contemplating them and kind of looked through the statute so it's really up to you what you want to do. If you want additional revisions, we can wait until the next meeting or we can go ahead and do it today and then if there are additional revisions, bring it back. Either is fine.

Plunkett So just to be clear – there are no, nothing in this ordinance is in conflict with the reorganization?

Harris So I haven't had a chance to go back and review anything. I don't see anything in conflict. The only thing that's different here is we did add for the Municipal Relations Coordinator that before any employment action would be taken that there would be a conversation with the Town Council President and also some additional requirements of the Town Council President to share information about performance of that individual back with the Mayor's Administration through the Department of Human Resources and, again, this isn't specific to our current Municipal Relations Coordinator who is doing an awesome job but really just to create more continuity between the role that that position does for the Council and the role it does for the Administration. So it's, right now it's sort of, if you recall, a 50% allocated position but one of the things that we are doing in this particular ordinance is transferring officially all of the Clerk duties of the former Clerk-Treasurer to that position which require a lot of reporting requirements to the Town Council so we believe it's important for the Town Council President to be weighing in – is that person meeting those job performance obligations or not? And that was really the goal. Also, to make sure that if there was ever any employment action to suspend or terminate, it's really those two things, that the Town Council President would be made aware of it and it would be done in consultation with the Town Council President because without that role, the Town Council cannot function because this is where all of your sort of staffing for the Town Council – public notices, etc. come from so that was really the goal with that provision. Other than that, I feel confident that it aligns with the reorg, it aligns with state statute. It's really just restating a lot of what we had before as well as the job descriptions which were prepared by the Administration.

- Burk Are there changes to this from what we passed upon introduction?
- Harris No. I have, I have not made any revisions to date.
- Burk Is it your, your opinion that we do not need to make any changes?
- Harris Yes. I mean, I don't think we need to make any revisions unless you want to go back and accommodate some of the written comments you all received and the only thing different is what I just described but that's not different from what you had passed on first reading.
- Garrett I'm okay with it.
- Plunkett Yes, I mean, I think, I was under the impression that we were, there was something that was incongruent with the reorganization and if that's not the case then I'm, I'm perfectly comfortable with it too so.
- Traylor I make a motion to approve on final reading.
- Garrett Second.
- Plunkett First by Councilor Traylor, second by Councilor Garrett. All those in favor signify by saying aye.
- All Aye.
- Plunkett All those opposed same sign.
[No response]

Ordinance 2023-05 is approved with a vote of 7 in favor, 0 opposed.

NEW BUSINESS

Consideration of a Resolution Regarding the Appropriation of Additional Funds Resolution 2023-04 (Public Hearing)

- Plunkett Up next is New Business. First item up in New Business is a Consideration of a Resolution Regarding the Appropriation of Additional Funds. This is Resolution 2023-04 and we have Cindy here.
- Poore Good morning.
- Plunkett Morning.
- Poore Yes, this Resolution that was being presented before you is to correct an issue with the non-DLGF budget. Everything listed here except for Fund 103 should've been on the non-DLGF budget and was inadvertently left off. Most of them are bond payments or bond proceeds that need to be used for their projects. But, Yes, the majority are bond payments.

- Garrett The \$800,000 was inadvertently left off? Is that what you're –
- Poore For the park?
- Garrett Talking about, Fund 103?
- Poore 103 – I'll let Jarod answer that one.
- Logsdon Yes those funds were requested throughout the process and just didn't end up on final documents before you all.
- Garrett Like, when you say they were requested – like, did it come through the process when we were seeing all that and it just didn't make the thing I signed or did we not know about it through the whole process and we're trying to fix it now?
- Logsdon I'd have to look through what you were notified throughout the process but they were requested with the CFO throughout the process.
- Garrett Yes –
- Burk But they were, they were part of your budget?
- Logsdon Correct, well –
- Burk Proposed budgeted the entire time?
- Logsdon Correct, yes and I can provide Excel spreads from last summer.
- Garrett I guess I'm just concerned that nobody – you or the CFO noticed \$800,000 was missing during a process.
- Logsdon We did and it just didn't get added on in time. What's different about Fund 103 is it was DGLF so it was caught after the budget was passed. So these funds, when the parks joined the General Fund, these funds were set up into their own fund –
- Garrett Yes –
- Logsdon Yep –
- Garrett I remember, I know I know that process because we wanted to make sure that we had a say at passing them –
- Logsdon Right.
- Garrett And then we went through the whole budget process and this wasn't in that process and now we're – it's a lot of money, Jarod, to just like say oops we missed it. Like, I am, I will be candid. I am concerned about the Parks Department's handling of funds right now. I think there are some gaps given what I have seen recently and you're now asking for \$800,000 you forgot about. It gives me a little bit of heartburn. Not that it's not a valid ask but I don't know – that's just a big miss.

- Logsdon Right and not forgot, anticipated and then it then it just was not included so we knew we'd have to go before an additional appropriation.
- Garrett Not, not forgot but not include – but you didn't notice when it was submitted that it was not on there?
- Logsdon Correct, so –
- Garrett That's forgotten.
- Logsdon Well, it was my understanding that these funds would be included with the non-DGLF because they were the special pay it down and then they're gone forever and it wasn't until publicly in one of our meetings that I even learned that parks was getting separated out of the General Fund again that we were going to the old ways.
- Garrett Back when we passed the non-DLGF, correct?
- Logsdon Correct. That's when I learned that –
- Garrett But why wasn't that brought to our attention when we passed it? Like, okay guys here's the non-DLGF budgets. By the way, we, we missed – I understand mistakes are made but we missed \$800,000 it's going to be coming to you because we can't do this activity. Like, we went through the entire process, public process, everything, had a good sense of what we were spending and then now we're being asked for another \$800,000 because you – like no one flagged it. I have a problem with this. Like, it's not a problem necessarily with the outlay, it's a problem with the process and this just keeps coming up. Like at some point – like I'm not supportive of doing this mainly because at some point I gotta say no to something, right? So –
- Poore What I can say on this is that I know with myself and Crowe were not given the opportunity to review this before it was presented and so if you look back on the document that was approved on the 27th of October, these fund it shows the 2022 budget and then what's being requested for 2023 and all of these items that like I have listed on here all had a 2022 budget and for whatever reason were submitted with 0 for 2023.
- Garrett The 2022 budget or 2023 budget?
- Choi 2023 – so they were, so just to interject and I want to save Jarod some grief on this as what he asked for in the 2023 non-DLF, non-DLGF budget was not the only thing left off of that budget. We have a whole litany list of items including a, an incredible number of, of bond payments total multiple millions of dollars that if, if you look at the non-DLGF budget that was passed for this year, those line items and Cindy and Crowe did not get a chance to review, they were budgeted for 2022 and then had a 0 for 2023. Bond payments. So it wasn't just Jarod's ask that got left off, there were 15 different items and that's what's in the Resolution. Cindy and I have been exchanging phone calls and emails over the weekend trying to figure this out but it's not just a problem on the expense side

of the non-DLGF, we have found that in some cases there are problems on the revenue side too like the – and then also, what’s presented in this is the fund balances as of the end of last year and because –

Poore Yes –

Choi Of software transition issues, we actually don’t know what the fund balances are in any of these funds right now.

Garrett So why are we going to approve money for them? We don’t even know what the balances are.

Choi Well, for one thing, we have to approve the appropriations for bond payments. We can't, we cannot not approve those and there’s money there for that. We know that.

Garrett But you said these were all left off but I was told at the beginning that this 103 Park Operating Fund was the only one that was unique. Why is that one unique compared to what Councilor Choi was just saying?

Choi It was requested by Jarod, it was left off. The rest of this was things that were not additional, not different, a different request from the 2022 budget. What Jarod was asking for is, was not asked for in the 2022 budget. Everything else that is 0 line on the expense side on the 2023 budget that we’re now looking at adding on, was part of the 2022 budget, like all the bond payments and the law enforcement continuing education, the unsafe building, the Boone County Economic Development – those had 2022 budget allocations but appropriations on the expense side but in 2023 they had a 0 –

Garrett Yes –

Choi By them. So, we don’t know why but they were just left off. So those are, those are continuations of budgeted items from prior budgets that we can explain. Jarod’s request, according to him, he requested it but it was, again, one of those items that had a 0. In fact, there’s, the Park Operating Expense line is not even included in the non-DLGF so we wouldn’t have even known that there was the prior.

Garrett But if it was –

Traylor I have a question on that and this could explain a lot but is it – I know this process goes through the Administration and they make their cuts before it comes to us. This wasn’t just cut by them, right? It was, they were, they’re in favor, the Administration’s in favor of this \$800,000 so it wasn’t cut? Okay.

Logsdon Correct and this, and if you recall in July, I mentioned we were focusing on operations and the only new capital things we were doing were completing what was active – so the pickleball courts and the Rail Trail – as we waited for the next 5-Year Master Plan.

Traylor Yes.

- Logsdon So that was always the plan, this was always the funds intended to see those through to, to the end.
- Plunkett So you, you came to us in October and asked for like \$400,000 for pickleball courts.
- Logsdon This is that same number. So, again, those were left off –
- Choi Yes –
- Logsdon And it was \$300,000, Yes.
- Garrett So the \$800,000 is the first we've, the first ask. We haven't already approved this ask, correct?
- Logsdon Correct.
- Garrett So I guess that, I guess my problem is when we were going through the budgeting process DLGF and non-DLGF, this was not a part of the conversation. This Council may have, I'm not saying they would've but may have made different decisions based on this ask. We may have said okay do this instead of that. Now this is just being asked for an additional \$800,000 and we're not yet even 45 days into the calendar year. Again, my concern is not what the ask is for. My concern is a continuation of just, it just seems like there's - just frustrating, right? Like this is just a mess and it continues to be a mess and I don't know that I want to spend \$800,000 until I realize we don't have a mess anymore, we know what fund balances are and like basic blocking and tackling that we've been complaining about for three years.
- Traylor So for three years we've had financial issues as a Town. It's been with four different Heads of Finance, two different Parks Directors, multiple other department heads with one common denominator is that the Administration doesn't know what they're doing from a financial standpoint.
- Plunkett Yes, what this feels like to me, and I'm not saying this is what it is, but this is what this feels like to me – we go through the budget process like we've done every time for the last three years and we say listen, we're not going to pass an operational budget or a budget that is an operational deficit. We're just not going to do it. So what do we do? We carve things out, we say come back to us later and then, obviously, what it feels like now is this was carved out, maybe Jarod didn't have it carved out, maybe the Mayor carved it out but this, in my opinion, we said in the, in the last budget whatever you need in the budget that is required for the Town, put it in the budget which would make me believe that this isn't something that was necessarily needed for the budget.
- Traylor What's this \$800,000 for?
- Choi One of the things that I want to re-focus on is to Councilor Garrett's point is not specifically the \$800,000, it's the – if you look at Exhibit A in this, in this Resolution, you're looking at –

- Traylor Millions.
- Choi I don't know – I didn't sit down and total it up but Fund 614 or the appropriation for Fund 614 – the sewer works construction – that's \$2.3 million dollars that got left off the non-DLGF budget. You know this is –
- Poore Those are also bond proceeds –
- Choi Those are bond proceeds but you –
- Poore So, Yes, they wouldn't have had –
- Choi And so it's not that we can't pay for it and that there's not money there or we didn't have it, it just didn't get included. It's just absent.
- Poore I don't know if you remember or not – I think it was one of the November meetings that the former CFO came up and was wanting to amend the DLGF budget but the way it was presented it looked like you guys were approving another non-DLGF budget and so you guys tabled it, well you didn't table it you just, you didn't pass it and so this is the replacement basically “that amendment” to that non-DLGF budget of those items that got left off.
- Choi So my point in this is that not that we wouldn't have approved this. We would've. These are all bond payments. There's no way we don't appropriate or approve the bond payments. We might have had discussion over Fund 103 and the pickleball courts and all that – I do have one question for you that if you'll entertain this – the \$1.8 million dollars in the Next Level Trails is that already included in the fund balance for 103?
- Logsdon No, that's in the separate 478 Fund which is the Rail Trail Fund. So, the request for \$800,000 is to accomplish three goals: One is to reestablish 10% contingency. Within the northern expansion we've already had four undercuts and we still have three miles to go. We've already discovered two within phase 1, so my goal would be, obviously, to not be spending these funds because these are park savings so we need them for another day but to definitely have the funds necessary to finish out the project for unanticipated items. You know we know that this section of Rail Trail is going to flood so there's going to be things we're going to discover as we dig in the ground. The other two accomplishments of that \$800,000 are to create a pathway from the Rail Trail to Trailside Elementary. So we've been working with the schools on a temporary construction easement and getting the approval from their entities to allow this access and essentially we would pay the trail and provide it as a gift to the Town or to the school as it enters their property but then maintain the Town portion from the Rail Trail. And the third item within that \$800,000 is to improve the access to Pleasant View Elementary. One of my staff personally has witnessed a child break their arm coming down that –
- Traylor Yes –

- Logsdon So we want to re-grade that, re-pave and make that a safer entrance and exit for our school students going to school.
- Burk Jarod, what does this do to your balance in this budget? You're asking for \$800,000?
- Logsdon Sorry?
- Burk What does this do to the balance in your, in that particular budget line item?
- Logsdon For Fund 403?
- Burk Yes.
- Logsdon So every year that is replenished with funds from the General Fund, that 314 Park Improvements. As of November that sat around \$900,000 so this would take it down to \$600,000 and, again, that's kind of our emergency reserve is what we want to transition that to. Now it's kind of understanding what these parks savings will be within Fund 103. So last year Fund 103 is what funded the 5-Year Master Plan and the golf cart improvements the year before that as well as Heritage Trail Park. So that was our kind of parks specific savings that we used for capital projects and now that's back in the General, the Operating Fund of parks so it's just understanding that new relationship and how, what'll happen to those reserves – will they now increase as we underspend on line items each year. That's just something I need to understand from our Finance Department.
- Burk So, this could be replenished but what would be your balance in case you actually had an emergency this year that you would be able to tap into?
- Logsdon There would still be \$1.3 within Fund 103 even after this expense of all funds were spent out plus that \$600,000 within that fund. So, just under \$2 million still available for emergencies.
- Choi So Fund 103 and 403 are both funded through, through movement fund flow from the General Fund. Is that right?
- Logsdon Yes, yes.
- Poore Yes.
- Logsdon 403 yes and 103 –
- Choi 403 yes.
- Logsdon What I still –
- Choi Should that be reflected on, somehow on the revenue side of the non-DLGF budget because there's no, there's nothing – when I looked at the non-DLGF budget we passed for this year, there was no Fund 403 on the revenue side.

- Poore That's because each year it depends on what's left in that Park Improvement line so we don't know from year to year what's going to be left in there to transfer over to Fund 403.
- Choi Okay. So, I just, I want to reiterate again, I know we're picking on Jarod. This is not – I truly believe this is not Jarod's fault and these are things that he would've asked for last year that we would've happily – maybe – would've happily approved. It just did not get, there are, let me look here – what 15 some line items in Exhibit A that got left off and even on, even as Cindy and I were talking about the fund and looking on the revenue side, we realized there, I mean it's small things – it's like the law enforcement continuing ed but it on, even on the revenue side it wasn't properly, properly placed in there, noted in there. So, I think and then we don't know – I can't imagine 45 days in we have that significant of a balance difference in any of those funds than what you have put together in this Resolution but we also don't know what the balance is because we're transitioning soft, finance softwares again.
- Garrett I respectfully disagree in the sense that I think the request for 103 should have been a different request than everything else. That should've been its, it's an additional appropriation much like we do throughout the year. Everything else here is things that we were aware of that just need to be cleaned up financially, right? It's not new spend, it's stuff we knew we had to do, there was an error and it was 0 in the balance, whatever – 103 is a new request to this Council for a new spend out of the Park Operating Fund and should have been a different request, should have been a different process and I think also should've been more visible to the public that doesn't read in all this detail to say oh, okay the parks is asking for \$800,000, they didn't ask for it during the budget process and we would go through that normal process. So my problem, again, is not the request it is more it is sort of – it's not, hidden is the wrong word because that implies intent but it is grouped together incorrectly. I think we should've been debating that separately rather than lumping it in to bond payments, quite frankly. Is, is Fund 103 – it says that's your, it says that's your Operating Fund. That's not the Parks Operating Fund – the Parks Oper – is the Parks Operating Fund a non-DLGF fund?
- Logsdon No, no.
- Garrett Okay, because we were told these were non-DLGF spending –
- Traylor Except for –
- Garrett Which this is now a, a – this is a budget, this is a budgeted spend, correct?
- Poore Yes on the, on the appropriate or on the Resolution it doesn't say anything about being non-D, DLGF. I referenced that for all of the other ones and I think in the narrative I may have said that most were not with, all the items except for 103 –
- Garrett Okay. So that's a very important point because you Councilor –
- Choi Right, no, now, now I'm actually –
- Garrett Got it.

- Choi Understanding what you're getting at.
- Garrett That to the public that puts us in a deficit.
- Choi So 103 should've been included as part of capital outlays in the normal, in the regular budget.
- Garrett Which meant something else would've potentially been cut if this was more of a priority and that's the concern I have over all of this.
- Choi And you remember all the discussions, multiple discussions we had around the issues with what was classified as capital outlays and what we actually passed and this will carry over to this year's budget of taking a, a much closer look at what in there is truly capital outlays and what's not. Not that we wouldn't have passed this, it's just –
- Traylor We don't know.
- Garrett We don't know and we might not have passed something else, right?
- Choi Yes, right.
- Garrett That's \$800,000 – we would, we would now have an \$800,000 deficit budget that we would, if we all believe wanted a balanced budget, would have to find something else in the budget if this was a priority.
- Choi We had more, I mean, we passed the budget with a capital outlay of over \$8 million dollars in the negative –
- Garrett Yes –
- Choi And we justified it by saying these are capital projects when in closer look, we looked at them and some of them are operating expenses –
- Garrett Yes –
- Choi Like bullets and you know, so I think we've got a much bigger – I'm not as concerned about Jarod's ask so much as – I do have concerns, to your point, but I have more of a concern about how we're looking at the Town's budgeting.
- Traylor I'm 3+ years of frustration, unfortunately, that you're hearing.
- Choi You're just –
- Logsdon These numbers changed three times in the two years I've been here as well so I get it.
- Burk Well to try to resolve things, I mean, I'm inclined to just continue this because it's too much to unpack and I also believe that we've, we've packaged requests together that to, to Councilor Garrett's point, may be best if we separated those

and voted on them separately. Does that make sense? I don't know if that's salvageable in a motion here?

Poore That one we'll re – we'll redo that.

Choi I think that's what we need to do because the rest is bond payments.

Poore Yes.

Choi That's –

Garrett Well it's not all bond payments, right? But like, like –

Choi No, no I, there's, there's –

Plunkett Capital outlays –

Choi Stuff like donations, law enforcement continuing ed –

Garrett Right.

Poore The one, the ones that say capital outlays those are actually bond proceeds that are being budgeted so they can work on their projects.

Burk And, Cindy, there are specific pieces of this that, in your opinion, need to be approved and, again, I'd like to continue it and strip it apart and figure out what we need to do but are there anything that's an urgent piece that you have to, have an obligation to pay now?

Poore I think if we can at least re-group and put it through on the March 6th that should be okay –

Burk Okay.

Poore First payments for bonds will be in June.

Burk So if we wait until next meeting it's not, you're not going to be in arrears or some default?

Poore No.

Garrett Well it's still jumbled together. I mean, I –

Burk No, we'd still split apart.

Garrett No, I mean, Yes, I like the idea of and I won't make a motion yet if there's still discussion but just basically approving but 103 and having that come as a separate request for an appropriation. I don't know if folks are in favor of that or not but that gets through all the bond payment stuff. That's just kind of the financial stuff. I want to hear the appropriation separately and make sure the public has a chance to weigh in on that too.

- Harris So I just, I was a little bit confused if they were bond payments or bond proceeds being allocated for construction because I heard –
- Poore There's both in there.
- Garrett There's both.
- Poore There's both.
- Choi There's both in here.
- Harris And so are they separated?
- Choi Like –
- Harris Or are they in the same fund? Because I just, that was my question –
- Poore No, they're, they're separated out if any – because what I did is I put it by line item – the fund and the description of the line item. So if some of it is for capital and some of it's for a bond payment, that is split out on, on this document.
- Choi Yes, so like 614 civil construction is proceeds and –
- Poore Uh hmm.
- Choi And 641 is bond payment.
- Poore Correct.
- Choi So, I mean, if, if you're okay with moving it to the March meeting and we get a better sense of everything I think that would be great to make everybody comfortable but if you need, if you feel like you need – I'm comfortable with approving the proceeds and bonds. What I wanted is to take a re-look at our non-DLGF items and just, even on the revenue side, I know it's when you and I talked about some of these revenue items they're small items, they're like \$10,000 –
- Poore Correct.
- Choi Or whatever. It's not a big deal but it still concerns me that it's not properly documented so. Just, and if it's not properly documented on the non-DLGF side, what's missing on the regular budget side too? So, it just, I think we're all lacking confidence in what happened with this budget.
- Poore Crowe put the DLGF budget together and I don't have any concerns with the numbers that they –
- Choi Okay.

- Poore They brought together for that budget. Just the items that were missed on this one.
- Traylor For just for the, I know sometimes the public doesn't really understand exactly what we're talking about up there. The total, I totaled these up. We're talking about an additional \$5.8 million dollars in ask today so just for an idea of why we're making such a big deal about this, it's a lot. Now I am curious how, how the, how'd the non-DLGF portion get caught? Like how did we find that?
- Poore I was going through it –
- Traylor Thank you.
- Poore Yes.
- Traylor Thank you.
- Poore You're welcome.
- Traylor I suspected that would be the answer I just wanted to acknowledge thank you for finding that error and making the effort to correct it.
- Poore Thank you.
- Choi And Cindy's been really incredible because we've been, even on the weekend, she and I figured this out sometime yesterday driving back from Chicago and we've been exchanging phone calls and emails and text messages trying to get through, for her to explain to me what was going on here so.
- Plunkett This is a public hearing. I have proof of publication of public notice of the public hearing. At this point I will open the public hearing. Are there any members from the public who would like to comment? I will close the public meeting. Yes, I mean, I guess if it's all or nothing I mean my perspective if it's all or nothing, I mean, I don't like it. I don't think it feels good, I don't like it but if we're going to move it to the next meeting and separate things out, we can separate things out, I mean I don't, whatever you guys want to do.
- Choi I think if, if Cindy's comfortable with it that's the thing to do to just get everybody comfortable with what's happening with this and if you could take a look on what was passed last year – you, you, you know you and I looked at even –
- Poore Yes –
- Choi The Police Training Fund or whatever it was called and noticed that it didn't receive the revenue allocation that it should've –
- Poore Right.
- Choi So, if, if we could go through and if you wouldn't mind going through and making sure is everything correct –

- Poore Sure.
- Choi And coming back with that and as well as just an FYI what Cindy and I talked about what the fund balance is for all these funds. Because of the software transition, we might not know until the end of March.
- Poore Probably closer to April just for the fact that once we get the annual report submitted and everything balanced out from OpenGov, Boyce will need 6 to 8 weeks to be able to extract all that information and get it put into the new system.
- Choi So the last knowledge we have of these fund balances is what you see in front of you. It's the fund balance at the end of last year. That's, that's the latest information we have. I'm sure, I mean, I can't imagine that we spent so much out of any of these funds –
- Poore Yes.
- Choi That they're significantly different but, but, but it's, that's as accurate as we're going to get.
- Traylor The separation of the DLGF and non-DLGF budgets continues to be a problem. I would, yes it's February, we haven't started the 2024 budget yet. I'd like to just make it known that if we're not voting on a single budget for 2024 I'm going to be a no.
- Poore We've already got some ideas for that.
- Plunkett At the recommendation of the State Board of Accounts.
- Choi The SBOA recommended –
- Plunkett I mean, they're the ones –
- Traylor Yes.
- Choi That we combine the two budgets into a single budget and not to separate them out.
- Traylor Right.
- Plunkett All right, any other questions for Cindy? I, go ahead –
- Burk My thought is to move it back. Again, there are people who have a different opinion today about maybe passing portions of this and maybe splitting it out – I don't think, I don't think there's a will to pass it all and there's pieces that have to be passed so I think there's a risk to try to put it up for a vote and not vote it, vote it down and to Cindy's point, there's nothing urgent enough in here that we can't wait two more weeks so there's no real, I don't see any real harm there. So I would make a motion to continue this until the next meeting.

Plunkett We have a motion by Vice President Burk.

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 7 in favor, 0 opposed.

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

Plunkett Up next is a Consideration of an Ordinance Establishing an Opioid Fund. This is Ordinance 2023-06. This is a first reading and we have Cindy for this one as well.

Poore This is establishing the funds for the opioid settlement that we're receiving that we opted in to. It's the larger settlement. I know last meeting we talked about the one from Meijer, etc. This is the large settlement and we're required to set up two funds, one for restricted and one for unrestricted funds as we receive those in but we were actually told which funds to use so by the state so we're just following through and getting those set up so we can receive money in.

Plunkett Cindy, can you just explain the different between a restricted, the restricted fund and the unrestricted fund?

Poore Yes, well I don't have the exact guidelines but the restricted funds will definitely have to be used more for like the opioid problems and things towards that. Heather may know exactly or a little more as far as I haven't seen the requirements yet but the unrestricted, which looks like it, from what we received, is about a third of what the restricted is. Those will, it'll be a little bit more loose on the requirements that we can use them but we're still in the process of figuring all that out.

Plunkett Okay.

Choi So on the heels of that question, what discussions has the Administration had on, on, I mean, the unrestricted goes into the General Fund is that or, I mean, it stays in there but it can be used for pretty much anything, right?

Poore The requirements are, are more loose on the unrestricted but to say it could be used for anything, I wouldn't want to say that just for the fact that I haven't seen the requirements yet.

Garrett It would still have to be budgeted though, right?

Poore Yes.

Choi Right. So on the restricted and the unrestricted are we, are we having conversations on the administrative level and I think it might be good for the Council to be involved. I know it's only 80-some-odd thousand dollars but it's – substance abuse and the issues surrounding it, obviously, are important to me but it is, it is one of those things that maybe we should have a conversation also about where this money goes, what programs it supports, what we can do in this Town to support that because more and more as we look more and more into what's going on in our Town, especially in our high schools and middle schools, we're realizing this is more of a problem than we are admitting to so.

Garrett Sounds like you just volunteered yourself.

Choi I'm off in, I'm off with you so.

Poore Yes, once we get, we get the requirements and we can see more what can be done, then we could sit down and kind of go through that.

Plunkett Any other questions from Councilors for Cindy? I'd make a motion to introduce Ordinance 2023-06.

Melton Second.

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

All Aye.

Plunkett All those opposed same sign.
[No response]

Motion passes 7 in favor, 0 opposed.

Thank you, Cindy.

Poore You're welcome.

Plunkett Up next –

Poore It's still me.

Consideration of Cancellation of Warrants

Plunkett Yes, a Consideration of Cancellation of Warrants.

Poore So this is, you really don't have to take any action on this. We're just required in February of every year to present checks that have not cleared that by the December of the second year and so these are the items that are still outstanding that meet those guidelines. We do and are in the process of trying to reach out to these people to let them know that these checks didn't clear or haven't been cashed so if we need to replace them we can.

Garrett So folks on this list mean, in theory, could still request their –

Poore Correct.

Garrett Their money? Okay. Very good. Do you need us to vote on this or is this just –

Poore No.

Garrett An FYI? Okay, got it.

Poore It's more of just informational.

Plunkett Cindy, this is or maybe I should ask Amy – Amy, this is included in our packet online, correct?

Lacy Yes.

Plunkett Yes, so if there's anybody out there that thinks the Town owes you money better get on it quick.

Choi What or how do we make contact with these people to say you haven't –

Poore We'll send letters. That's about all we can do is send letters and to let them know.

Choi Okay.

Garrett And who do they contact if they do want their money? Just you?

Poore We're in the process of doing the letters right now –

Garrett Okay.

Poore And so, we're down a person right now so most likely yes it'll be me.

Plunkett All right. Thanks Cindy.

Poore Thank you.

Choi Thanks Cindy.

OTHER MATTERS

Plunkett Up next is Other Matters. I just wanted to give the Council a quick update. Heather, Brad and I were talking on Friday about and, and the job descriptions as part of this cleanup effort, right? Like to go back and rewrite some ordinances and make sure we've got the right language and everything in there. I think an appropriate timeline probably would, I mean obviously, we're not just going to

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pick everything off and do it in one or two meetings. I mean, this will be likely over the next eight months I would imagine. Is that correct, Heather?

Harris Yes, that's correct. So the goal would be to have it concluded before the end of the year and before you're really back in the throes of the budget cycle as well and what I was going to do is put together kind of a schedule of here's what we think we can chunk off at each meeting. That would also give some of the department heads notice to take a look at their sections which we hope they will be doing as part of the process and providing any ideas or content back to us of things they might want to see revised or restructured but that would give us all kind of a working schedule.

ADJOURN

Plunkett Perfect. Anything else from Councilors? I'll make a motion to adjourn.

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 7 in favor, 0 opposed.

The next Regular Town Council meeting is scheduled for Monday, March 6, 2023 at 7 p.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