



**ZIONSVILLE TOWN COUNCIL
MEETING MEMORANDA
FOR
MONDAY, MARCH 15, 2021
AT 7:30 A.M.
ONSITE AND ELECTRONIC MEETING
1100 West Oak Street**

1. OPENING

A. Call meeting to order

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

B. Pledge of Allegiance

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

Also Present: Heather Willey, Town Council Attorney; Amy Lacy, Municipal Relations Coordinator, and Town Department Staff.

2. APPROVAL OF THE MEMORANDUM OF THE MARCH 1, 2021 REGULAR MEETING

(copy posted)

COUNCIL ACTION: Vice-President Plunkett moved to approve the Memoranda of the March 1, 2021 Regular Town Council Meeting.

Councilor Burk seconded the motion.

The Memoranda of the March 1, 2021 Regular Town Council Meeting was approved by a vote of seven in favor, zero opposed. (7/0)

3. APPROVAL OF THE MEMORANDUM OF THE MARCH 1, 2021 EXECUTIVE MEETING

(copy posted)

COUNCIL ACTION: President Garrett moved to approve the Memoranda of the March 1, 2021 Executive Town Council Meeting.

Vice-President Plunkett seconded the motion.

The Memoranda of the March 1, 2021 Executive Town Council Meeting was approved by a vote of seven in favor, zero opposed. (7/0)

4. REQUEST TO SPEAK

President Garrett began by reading a statement explaining that no public comment regarding Item 7A would be allowed at this time, upon recommendation of legal counsel.

He said that the Mayor had asked the Town Council to consider giving her the authority to discharge a department head, which he explained was required by the Town's Reorganization Resolution 2014-11. He said the Council had received well over 100 phone calls and letters of support for Chief VanGorder and thanked the community for their input. He concluded by saying that as this was an HR matter, it would be treated as such, with no public debate allowed.

Zionsville resident Craig Triscari spoke in opposition of the approved VanTrust project, stating that as of March 2021, VanTrust had failed to run eight-inch water lines into Saratoga Springs as promised and that the current landscape on the berms was currently incorrect with the wrong size and type trees planted and that VanTrust was still in violation of the commitment promised in a public hearing.

Mr. Triscari discussed upcoming tax assessments and advised homeowners they had the right to request a reduction in the tax assessment based on the negative effects of development in the area. He expressed displeasure regarding what he felt to be the rejection of freedom of choice of schools in the Town of Zionsville. He concluded by expressing displeasure at what he felt to be the damages brought to the Perry Township rural community by higher taxes, increased pollution, and uncontrolled zoning.

5. MAYOR/ADMINISTRATION UPDATE

There was no update from the Mayor or Administration.

6. OLD BUSINESS

There was no old business to discuss.

7. NEW BUSINESS

A. Consideration of Approval for Mayor to Discharge a Department Head pursuant to Resolution 2014-11, ZR2A24

President Garrett gave a brief background related to this item. He read a section from the Reorganization Resolution 2014-11 which states that the Mayor must have the approval of the majority of the Town Council before the executive may discharge a department head.

He went on to say that because the Town's reorganization requires the Town Council to give or not give the Mayor the authority to discharge a department head, the Mayor requested publicly, and they had discussed privately, the mayor's interest in the Town Council voting on this matter. He said the Council had met with the Mayor and her staff to discuss her concerns and had also met with the department head in question, as well as members of his department, to get a better picture of what is happening within that department. He stated the Town Council had met in three executive sessions to discuss the matter and stressed that this was a vote the Council did not take lightly, after having spent a significant amount of time researching and deliberating on the matter.

COUNCIL ACTION: Councilor Traylor moved to deny the Mayor’s request for discharge of a department head. Vice-President Plunkett seconded the motion.

At President Garrett’s request, Attorney Heather Willey provided a clarification, saying that there was currently a motion to deny allowing the Mayor to discharge the chief of the fire department, who serves as the department head for the fire department, explaining that if they voted in favor of the motion they would be voting to retain Chief VanGorder in his role as chief of the department.

At President Garrett’s request, Ms. Lacy took a roll call vote:

ROLL CALL VOTE:

PRESIDENT GARRETT	Yea
VICE-PRESIDENT PLUNKETT	Yea
COUNCILOR BURK	Yea
COUNCILOR CHOI	Yea
COUNCILOR CULP	Yea
COUNCILOR MELTON	Yea
COUNCILOR TRAYLOR	Yea

The motion to deny the request passed with a vote of seven in favor, zero opposed (7/0)

At this time President Garrett called for a one minute break to allow those in the audience who wished to leave to do so.

B. Consideration of an Appointment to the Pathways Committee

COUNCIL ACTION: President Garrett moved to appoint Emily Makinson as recommended. Councilor Melton seconded the motion.

The appointment of Emily Makinson to the Pathways Committee was approved by a vote of seven in favor, zero opposed. (7/0)

C. Consideration of An Additional Appropriation Resolution (800 E & Oak Street Roundabout, Heritage Trail Park, IT, Town Hall Reconfiguration, and Wastewater Capacity Study)

(PUBLIC HEARING)

Resolution 2021-05

Chief Financial Officer Tammy Havard presented Resolution 2021-05, explaining there were multiple appropriations for consideration and that they could be voted on individually.

(1) CFO Havard explained the MVH additional appropriation request of 1.2 million was for the roundabout at CR 800 E and Oak Street. She discussed financial implications. CFO Havard answered questions from the Council.

With Proof of Publication for a Public Hearing noted, President Garrett opened the Public Hearing for comment.

With no public comment President Garrett closed the Public Hearing.

COUNCIL ACTION: Councilor Burk moved to approve the MVH additional appropriation. President Garrett seconded the motion.

The MVH Fund additional appropriation for the roundabout at 800 E and Oak Street was approved by a vote of seven in favor, zero opposed. (7/0)

(2) CFO Havard explained that the Parks and Rec additional appropriation request of \$475,000 was for the completion of Phase 2 construction of Heritage Trail Park. She shared financial information for the Parks and Rec Operating Fund. She answered questions from the Council. In response to President Garrett's question, CFO Havard confirmed that the Parks Board was in support and had approved this expense.

COUNCIL ACTION: Councilor Choi moved to approve the Parks and Rec additional appropriation. Councilor Culp seconded the motion.

The Parks and Rec Operating Fund additional appropriation for the completion of Phase 2 construction of Heritage Trail Park was approved by a vote of seven in favor, zero opposed. (7/0)

(3) CFO Havard explained that the Cumulative Capital Improvement Fund additional appropriation request of \$20,000 was for the wiring and computer networks for the reconfiguration at Town Hall. She provided financial information for the CCI fund.

There was discussion regarding the Town Hall reconfiguration in general and if the project could be completed without the additional appropriations. CFO Havard outlined what could and could not be accomplished on the renovation without the additional appropriations and how it could affect the timing and costs. She explained where other funding would come from and highlighted the challenges that would be presented without the additional funding.

Councilor Traylor said while he would support the buildout of the upstairs, he was not in favor of renovating the downstairs space which was recently completed. He said he that he planned to vote to deny the requests for the additional appropriations in hope that it would encourage the administration to apply the funds that they do have towards the additional space, not renovating existing space.

Further discussion followed. CFO Havard answered further questions and stressed the positive benefits to the public and staff with the reconfiguration of the downstairs.

COUNCIL ACTION: Councilor Traylor moved to deny the Cumulative Capital Improvement Fund additional appropriation. Vice-President Plunkett seconded the motion.

At President Garrett's request, Ms. Lacy took a roll call vote:

ROLL CALL VOTE:

PRESIDENT GARRETT	Yea
VICE-PRESIDENT PLUNKETT	Yea
COUNCILOR BURK	Yea
COUNCILOR CHOI	Nay
COUNCILOR CULP	Nay
COUNCILOR MELTON	Nay
COUNCILOR TRAYLOR	Yea

The motion to deny the Cumulative Capital Improvement Fund additional appropriation for \$20,000 was passed by a vote of four in favor, three opposed. (4/3)

(4) President Garrett explained that the Cumulative Capital Development Fund additional appropriation request of \$98,000 was for the reconfiguration at Town Hall.

COUNCIL ACTION: Councilor Burk moved to deny the Cumulative Capital Development Fund additional appropriation. Vice-President Plunkett seconded the motion.

At President Garrett's request, Ms. Lacy took a roll call vote:

ROLL CALL VOTE:

PRESIDENT GARRETT	Yea
VICE-PRESIDENT PLUNKETT	Yea
COUNCILOR BURK	Yea
COUNCILOR CHOI	Nay
COUNCILOR CULP	Nay
COUNCILOR MELTON	Nay
COUNCILOR TRAYLOR	Yea

The motion to deny the Cumulative Capital Development Fund additional appropriation for \$98,000 was passed by a vote of four in favor, three opposed. (4/3)

(5) CFO Havard explained that the Wastewater Availability Fund additional appropriation request of \$260,000 was for a capacity study of the wastewater collection system and plant. She shared financials relating to the fund and answered questions from the Council.

She clarified that this fund and additional appropriation did not affect the DLGF fund budget.

COUNCIL ACTION: Councilor Choi moved to approve the Wastewater Availability Fund additional appropriation. Councilor Melton seconded the motion.

At President Garrett's request, Ms. Lacy took a roll call vote:

ROLL CALL VOTE:

PRESIDENT GARRETT	Yea
VICE-PRESIDENT PLUNKETT	Yea
COUNCILOR BURK	Yea
COUNCILOR CHOI	Yea
COUNCILOR CULP	Yea
COUNCILOR MELTON	Yea
COUNCILOR TRAYLOR	Yea

The motion to approve the Wastewater Availability Fund additional appropriation for \$260,000 was passed by a vote of seven in favor, zero opposed. (7/0)

D. Consideration of a Resolution to Proceed with Land Acquisition of Parcels for Public Purpose

Resolution 2021-06

Department of Public Works Director Lance Lantz presented Resolution 2021-06 explaining that pursuant to state statute anytime the Town intends require real property from a private individual in excess of \$25,000 the fiscal body must adopt a resolution with their intent to purchase. He said resolution was necessary in order to proceed with purchasing right of way parcels for the Oak Street and 800 E roundabout project.

COUNCIL ACTION: Councilor Choi moved to adopt Resolution #2021-06
Vice-President Plunkett seconded the motion.

Resolution #2021-06 was adopted by a vote of seven in favor, zero opposed. (7/0)

E. Consideration of an Ordinance Setting the Town of Zionsville, Indiana Fee Schedule Amendment

(FIRST READING)

Ordinance 2021-03

CFO Tammy Havard presented Ordinance 2021-03, requesting that the council suspend the rules and adopt the ordinance at this meeting. She went on to detail the changes made in the fee schedule since its first introduction. She explained that Parks fees had been removed from the schedule since the Parks Board has the authority to set those fees. She said that changes had been made to meeting room fees and there would be no fees charged for non-profit organizations, private citizens, municipal, state, federal government, or the rooms' sponsors. She highlighted changes to special events fees and the addition of the list of Town sponsored events.

Councilor Traylor said he had received a text from Deputy Mayor Johns-Cole asking that they consider adding the Chamber's Night on the Bricks event as a Town sponsored event.

CFO Havard answered questions from the Council.

COUNCIL ACTION: President Garrett moved to introduce Ordinance #2021-03 on first reading with the amendment of adding the Night on the Bricks as an addition to the five Town sponsored events. Councilor Traylor seconded the motion.

Ordinance 2021-03 was introduced on first reading with a vote of six in favor, one opposed, with Vice-President Plunkett opposing. (6/1)

President Garrett moved to suspend the rules. Councilor Melton seconded the motion.

There was a vote of six in favor, one opposed, with Vice-President Plunkett opposing.

President Garrett stated that the motion passed with a vote of six in favor, one opposed. (6/1)

President Garrett made a final motion to approve Ordinance #2021-03 Setting the Town of Zionsville Fee Schedule inclusive of the additional Town sponsored event, Night on the Bricks, on first reading. Councilor Culp seconded the motion.

There was a vote of six in favor, one opposed, with Vice-President Plunkett opposing.

President Garrett stated that the motion passed with a vote of six in favor, one opposed. (6/1)

After researching the statute, Attorney Heather Willey advised the Council that, pursuant to Indiana code 365-2-9.8, the vote to suspend the rules must be unanimous in order to move forward. Vice-President Plunkett stated that he would change his vote on the motion to suspend the rules to yes.

Ordinance #2021-03 was adopted by a vote of six in favor, one opposed, with Vice-President Plunkett opposing. (6/1)

8. OTHER MATTERS

CFO Havard answered questions regarding the CARES Act funding and the ability to share reimbursements received with the school. She confirmed that with the approval of an additional appropriation by the Council this would be possible.

9. APPROVAL OF CLAIMS

President Garrett said that there was one claim for \$480.00 for ISSUU that he would like to pull out for the purpose of further research.

COUNCIL ACTION: President Garrett moved to approve claims less the \$480.00 claim for ISSUU. Vice-President Plunkett seconded the motion.

Claims were approved by a vote of seven in favor, zero opposed. (7-0)

10. ADJOURN

COUNCIL ACTION: President Garrett moved to adjourn the meeting. Vice-President Plunkett seconded the motion.

The motion was approved by a vote of seven in favor, zero opposed. (7/0)

The next regular Town Council meeting is scheduled for Monday, April 12, 2021 at 7:00 p.m.

Please note the shift in dates due to the Spring Break holiday.

This meeting is planned to be held on-site in the Zionsville Town Hall Council Chambers as well as electronically via Zoom. Final notice will be posted in compliance with the Indiana Open Door Law.

Respectfully Submitted,

Amelia Anne Lacy, Municipal Relations Coordinator
Town of Zionsville