



**ZIONSVILLE TOWN COUNCIL
MEETING MEMORANDA
FOR
MONDAY, OCTOBER 5, 2020 AT 7:00 PM
ELECTRONIC & ONSITE MEETING
1100 West Oak Street**

Date of Preparation: October 9, 2020

Council Members Present: Josh Garrett, President; Bryan Traylor, Vice-President; Brad Burk, Alex Choi, Joseph Culp, Craig Melton and Jason Plunkett
No members absent.

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

1. OPENING

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

2. APPROVAL OF THE MEMORANDUM OF THE SEPTEMBER 21, 2020 REGULAR MEETING (copy posted)
COUNCIL ACTION: Councilor Choi moved to approve the Memoranda of the September 21, 2020 Town Council Meeting.

Councilor Plunkett seconded the motion.

The Memoranda of the September 21, 2020 meeting was approved by a vote of seven in favor, zero opposed. (7/0)

3. REQUESTS TO SPEAK

Zionsville resident Brian Hull spoke about the MakerSpace project. He said that they had done a number of projects for the Zionsville and Lebanon community, including 3D printing of face shields for Witham Hospital. Mr. Hull said he wanted to introduce himself to the Council. He said he was trying to get more support for MakerSpace from community members. He concluded by saying he wanted to reach out to Town Council to see if they had interest in MakerSpace for Zionsville.

Zionsville resident Craig Triscari spoke in opposition of the ongoing VanTrust project, stating that as of October 2020 VanTrust had still failed to run eight-inch water lines into Saratoga Springs as promised and was still in violation of the commitment letter. He said the Council had failed to hold VanTrust to its commitments. Mr. Triscari stated that the Council needs to review and fix construction noise Ordinances, saying they were designed for short term building projects. He said his neighborhood has problems with construction noise at 5:00 am in the morning and early Saturday mornings. Mr. Triscari said that VanTrust needed to adhere to commitments regarding berms, fences, tree height and types of trees and that Zionsville failed to enforce these. He said that VanTrust had decided to lie about the tree heights as well.

Mr. Triscari stated that Zionsville did not adhere to its comprehensive plan and did not care about homeowner's property values.

He also again expressed displeasure at what he felt to be the absence of value additional services or funding provided by the Town of Zionsville in Perry Township and the rural community. Mr. Triscari also said that homeowners

should reduce their property taxes due to what he felt were the lack of services, reckless development and lack of adherence to a comprehensive plan by the Town of Zionsville.

President Garrett responded to Mr. Triscari's comments by clarifying some points for the Council. He explained that the development commitments had no timeline and were only required to be completed when the project is complete therefore VanTrust is not in violation. He also stated that eight-foot tree sizes were not referenced in the commitments or landscape plans.

President Garrett went on to clarify that the Request to Speak agenda item is something that is granted to the community and is not a requirement. He said that if some speakers continue to use this as an opportunity to call developers, lawyers, Council, staff and the Mayor liars, the Request to Speak agenda item was something that may not continue. He concluded by saying that the Council was open to any actual proof, but that the continued use of conjecture and refusal to look at actual documents submitted was becoming unacceptable.

4. PRESENTATION – ZIONSVILLE YOUTH SOCCER ASSOCIATION

Zionsville Youth Soccer Association Executive Director Peter O'Scanaill gave a presentation regarding the organization. He stated that the organization has been in place for 40 years, serving over 2000 children in Zionsville and surrounding communities. He said that the organization's annual SocctoberFest, now in its 21st year, is the largest sporting event in Boone County and that through the Zionsville Youth Soccer Association, Zionsville High School teams were the State Soccer Champions.

He went on to explain that with the growth of the organization, there was a need to improve facilities and provide greater safety for those using the facilities.

After detailing the needed improvements and their costs, Mr. O'Scanaill said that Zionsville Youth Soccer Association was requesting financial support from Zionsville as well as Whitestown, the Zionsville School Corporation, local foundations, local businesses, and others.

Mr. O'Scanaill concluded by emphasizing that with an improved complex, the organization would be in a position to provide uninterrupted training for the growing towns of Zionsville, Whitestown and surrounding areas.

Mr. O'Scanaill answered questions from the Council. Vice-President Traylor confirmed that a \$50,000 contribution to ZYSA was among the claims to be approved by Town Council that evening.

5. OLD BUSINESS

A. CONSIDERATION OF AN ORDINANCE ESTABLISHING A DEPARTMENT OF PUBLIC WORKS AND CREATING THE POSITIONS OF DIRECTOR OF PUBLIC WORKS AND DIVISION SUPERVISORS (SECOND READING)

Ordinance 2020-09

COUNCIL ACTION: Councilor Choi moved to adopt Ordinance #2020-09 on final reading. Councilor Culp seconded the motion.

Ordinance #2020-09 was adopted on final reading by a vote of seven in favor, zero opposed. (7/0)

B. CONSIDERATION OF AN ORDINANCE VACATING A PORTION OF A PUBLIC RIGHT-OF-WAY (TOWN OF HAMILTON – HOLLIDAY FARMS - HENKE) (SECOND READING)

Ordinance 2020-10

COUNCIL ACTION: Councilor Burk moved to adopt Ordinance #2020-10 on final reading. President Garrett seconded the motion.

Ordinance #2020-10 was adopted on final reading by a vote of seven in favor, zero opposed. (7/0)

C. CONSIDERATION OF AN ORDINANCE VACATING A DRAINAGE EASEMENT (TOWRISS)
(SECOND READING)

Ordinance 2020-11

COUNCIL ACTION: President Garrett moved to adopt Ordinance #2020-11 on final reading. Vice-President Traylor seconded the motion.

Ordinance #2020-11 was adopted on final reading by a vote of seven in favor, zero opposed. (7/0)

D. CONSIDERATION OF AN ORDINANCE REESTABLISHING THE SAFETY BOARD FOR FIRE DEPARTMENT MATTERS
(SECOND READING)

Ordinance 2020-12

President Garrett noted that Mayor Styron had submitted correspondence to Town Council regarding her position on this matter. He also noted for the record that he was less than thrilled by how the memo portrayed Town Council Attorney Heather Willey.

Councilor Choi commented that this matter was a little controversial with the Mayor's office and they were still going through consideration of all the legalities. He said that though he felt fairly certain the ordinance was legitimate, in order to consider it fully he would like to make a motion to continue the matter.

Before recognizing Councilor Choi's motion, President Garrett asked for any questions from the Council. There were no questions or comments.

COUNCIL ACTION: Councilor Choi moved to continue Ordinance #2020-12.

There was no second. The motion did not pass.

Vice-President Traylor moved to adopt Ordinance 2020-12 on final reading.

Councilor Plunkett seconded the motion.

Ordinance #2020-12 was adopted on final reading by a vote of seven in favor, zero opposed. (7/0)

E. CONSIDERATION OF AN ORDINANCE REESTABLISHING THE BOARD OF METROPOLITAN POLICE COMMISSIONERS AS THE SAFETY BOARD FOR POLICE MATTERS
(SECOND READING)

Ordinance 2020-13

Councilor Choi stated that he had the same concerns regarding Ordinance 2020-13 as he did with Ordinance 2020-12 but that he would not make a motion to continue.

COUNCIL ACTION: President Garrett moved to adopt Ordinance #2020-13 on final reading. Vice-President Traylor seconded the motion.

Ordinance #2020-13 was adopted on final reading by a vote of seven in favor, zero opposed. (7/0)

6. NEW BUSINESS

A. HUSSEY-MAYFIELD LIBRARY BOARD – DECLARATION OF FISCAL BODY

Hussey-Mayfield Library Board Executive Director Sarah Moore explained that due to House Enrolled Act 410, which took effect July 1, 2020, the fiscal body to which they reported for budget review when necessary changed from Boone County to the Zionsville Town Council.

Ms. Moore answered questions from the Council.

COUNCIL ACTION: President Garrett moved to approve the Declaration of Fiscal Body.

Councilor Plunkett seconded the motion.

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

B. NOMINATION OF NEW PATHWAYS COMMITTEE MEMBER

President Garrett explained that former Pathways Committee member John Salewicz had resigned in order to focus his attention on the Park Board. President Garrett announced that he was nominating MJ Deras, saying because of her interest and passion she would be an excellent candidate.

COUNCIL ACTION: Vice-President Traylor moved to approve the nomination.

Councilor Plunkett seconded the motion.

The nomination was approved, and MJ Deras was appointed to the Pathways Committee by a vote of seven in favor, zero opposed. (7/0)

**C. CONSIDERATION OF A CONFIRMATORY RESOLUTION FOR THE DESIGNATION OF AN ECONOMIC DEVELOPMENT AREA AND APPROVAL OF PERSONAL PROPERTY TAX ABATEMENT APPLICATION (MWI ANIMAL HEALTH)
(PUBLIC HEARING)**

Resolution 2020-13

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.

Director of Planning and Economic Development Wayne DeLong presented Resolution 2020-13. He gave an overview, explaining it was the second step of two-step process relating to tax abatement request. He stated that the abatement was for a total of \$164,000 over a period of five years.

COUNCIL ACTION: President Garrett moved to approve both Resolution #2020-13 and the Tax Abatement Agreement in a single vote.

Councilor Culp seconded the motion.

Resolution #2020-13 and the Tax Abatement Agreement were approved by a vote of seven in favor, zero opposed. (7/0)

D. CONSIDERATION OF AN ORDINANCE TO AMEND THE TOWN OF ZIONSVILLE ZONING ORDINANCE (Petition No. 2020-29-Z, Zionsville Community Schools)

Ordinance 2020-15

Director of Planning and Economic Development presented Ordinance 2020-15, stating it was coming the Council with a favorable recommendation from the Plan Commission.

COUNCIL ACTION: Vice-President Traylor moved to adopt Ordinance #2020-15 on final reading.

Councilor Plunkett seconded the motion.

Ordinance #2020-15 was adopted on final reading by a vote of seven in favor, zero opposed. (7/0)

E. CONSIDERATION OF AN ORDINANCE TO AMEND THE TOWN OF ZIONSVILLE ZONING ORDINANCE (Petition No. 2020-24-Z, Russell Oaks)

Ordinance 2020-16

President Garrett noted that the Town Council had received correspondence on this matter from Mayor Styron stating she was not in favor of the ordinance.

Attorney Mike Andreoli, representing the developer and petitioner Kendalwood Realty, presented Ordinance 2020-16. He stated that it came to the Town Council from the Plan Commission after two very lengthy Public Hearings. He explained in detail the zoning classifications and the commitments from the developer. In response to a question from Councilor Culp, Mr. Andreoli confirmed the proposal was only the approval of the rezoning of thirty-one acres from Rural (R1) to Rural (R2) Residential Zoning District, it was not the approval of the master plan.

Lengthy discussion followed. Mr. Andreoli, Jim Knighton of Kendalwood Realty, Street and Stormwater Superintendent Lance Lantz and Attorney Heather Willey answered questions from the Council.

Discussion followed regarding the need to continue consideration of the ordinance to allow time for Mr. Andreoli to meet with Mayor Styron and other interested parties.

COUNCIL ACTION: Councilor Choi moved to continue consideration of Ordinance 2020-16. Councilor Culp seconded the motion. Ordinance 2020-16 was continued to the October 19, 2020 Town Council meeting by a vote of seven in favor, zero opposed. (7/0)

- F. **BID OPENING FOR DEMOLITION OF RESIDENTAL IMPROVEMENTS AT 4075 S CR 875 EAST**
Director of Planning and Economic Development Wayne DeLong stated there were four sealed bids for the demolition of structures at 4075 S CR 875 East. He proceeded to open each bid. The results were as follows:

- Casey Bertram: \$41,575.00 (received 10/05 at 11:06 a.m.)
- Earth and Turf: \$41,144.00 (received 10/05 at 1:50 p.m.)
- Crackers Demo: \$38,800.00 (received 10/05 at 1:51 p.m.)
- Denny Companies: \$21,547.00 (received 10/05 at 1:57 p.m.)

Director DeLong requested approval to pursue the lowest responsible bid.

COUNCIL ACTION: President Garrett moved to authorize Director DeLong to pursue the lowest responsible bid. Councilor Plunkett seconded the motion.

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

- G. **CONSIDERATION OF AN ADDITIONAL APPROPRIATION RESOLUTION FROM PARK IMPACT FEE FUND AND PARK CAPITAL NON-REVERTING FUND**
(Heritage Trail dog park & purchase of land at 45 Elm Street)

Resolution 2020-14

Chief Financial Officer Tammy Havard presented Resolution 2020-14. She explained there were two additional appropriations on the resolution. She stated that the \$40,000 from the Park Impact Fee Fund is to pay for a portion of the Dog Park and additional sun shelters at Heritage Trail Park and the \$500,000 from the Park capital Non-Reverting Fund was to fund the purchase of the parcel at 45 N. Elm Street with the lower portion to be used for a trail extension connecting Elm Street Green and Lion's Park. She went on to say that the upper portion would be sold with the reimbursing funds going back into the Non-Reverting Capital Fund.

COUNCIL ACTION: Councilor Burk moved to approve Resolution #2020-14. Councilor Plunkett seconded the motion.

Resolution #2020-14 was approved by a vote of seven in favor, zero opposed. (7/0)

- H. **ZPD – TASER - SINGLE SOURCE SPECIAL PURCHASE**

Captain Marius Klykken presented this proposed purchase of the Taser X7, he said the Taser X7 has been determined to be the best replacement, both finally and for officer safety, for the current tasers which are approximately 15 years old. He explained that only one source provided this product, which qualifies it as a special purchase under Indiana law.

Therefore, there was no need to solicit bids. Captain Klykken answered questions from the Council.

COUNCIL ACTION: President Garrett moved to approve the purchase. Councilor Choi seconded the motion.

The purchase of the Taser X7 brand tasers was approved by a vote of seven in favor, zero opposed. (7/0)

- I. **ZPD – FLOCK SAFETY – LICENSE PLATE READER – SINGLE SOURCE SPECIAL PURCHASE**
Captain Marius Klykken presented this proposed purchase of the Flock Safety license plate readers, stating that after lengthy research it was determined that these were the best fit for Zionsville, having technology not available in other programs. He explained that only one source provided this product, which qualifies it as a special purchase under Indiana law.
Therefore, there was no need to solicit bids. Captain Klykken answered questions from the Council.

COUNCIL ACTION: Councilor Choi moved to approve the purchase. Vice-President Traylor seconded the motion.

The purchase of the Flock Safety license plate readers was approved by a vote of seven in favor, zero opposed. (7/0)

- J. **OPEN GOV NEW FINANCIAL MANAGEMENT SYSTEM – SINGLE SOURCE SPECIAL PURCHASE**
Chief Financial Officer Tammy Havard presented the proposed purchase with OpenGov, explaining there is only one source for this cloud-based ERP system for Financials, Budgeting and Planning, Permitting, Licensing and Code Enforcement, Reporting and Transparency Platform, and Utility Billing that is purpose-built for local government.
Andrew Jones of OpenGov presented a demonstration of the product
CFO Havard and Mr. Jones answered questions from the Council.

COUNCIL ACTION: President Garrett moved to approve the purchase. Councilor Culp seconded the motion.

The purchase of the OpenGov system was approved by a vote of seven in favor, zero opposed. (7/0)

- K. **ZFD – KNOX EMERGENCY MANAGEMENT SYSTEM – SINGLE SOURCE SPECIAL PURCHASE**
Deputy Chief Josh Frost presented the proposed purchase of the Knox KS6 key vault system, explaining that it would upgrade the current KeySecure 3B system, which is being eliminated, to the Knox KS6 hardware that provides audit trail ability and non-destructive fire department access to businesses.

COUNCIL ACTION: President Garrett moved to approve the purchase. Councilor Melton seconded the motion.

The purchase of the Knox KS6 Emergency Management System was approved by a vote of seven in favor, zero opposed. (7/0)

7. **OTHER MATTERS**

Municipal Relations Coordinator Amy Lacy distributed Claims Registers for Councilor's signatures from the September 8th and September 21st Town Council meetings, which had been approved but not signed due to the virtual meetings.

8. **APPROVAL OF CLAIMS**

COUNCIL ACTION: President Garrett moved to approve claims as presented. Councilor Culp seconded the motion. Claims were approved by a vote of seven in favor, zero opposed. (7-0)

9. **ADJOURN**

COUNCIL ACTION: Councilor Plunkett moved to adjourn the meeting. President Garrett 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, October 19, 2020 at 7:30 a.m. Determination of the need for a solely electronic meeting will be evaluated prior to the meeting and final notice will be posted in compliance with the Indiana Open Door Law.

Respectfully Submitted,

Amelia Anne Lacy, Municipal Relations Coordinator
Town of Zionsville