

**AVON TOWN COUNCIL MEETING**  
**October 22, 2009**  
**Avon Town Hall Council Chamber**  
**6570 E US Hwy 36, Avon, Indiana**

**Call to Order** was given by Council President Greg Zusan.

**Invocation** was given by Eric Carlson of Harvest Bible Church.

**Roll Call** was taken by Clerk-Treasurer Sharon Howell. Council members present were Greg Zusan, Beverley Austin, Charlie Dorton, and Nikki Gordy. Town Manager, Tom Klein and Dan Taylor, Town Attorney were also present.

**Consent Agenda**

Motion was made by Council member Gordy to approve the consent agenda of:

October 22, 2009 Check Register and the

Introduction: Ordinance 2009-25: Annexing Property Known as Ronald Reagan Corridor

Motion was seconded by Council member Austin. Roll call vote:

C. Dorton-for, N. Gordy-for, B. Austin-for, G. Zusan-for

4-for, 0-against, 1-absent. Motion carried.

**Public Comment**

Dennis Coleman addressed the Council with questions on Ordinance 2009-25.

**Council Comment**

There were no Council comments at this time.

**New Business**

**Authorization for Grant Application**

Chief Miller presented. Hendricks County Substance Abuse Task Force is a voluntary group of individuals who have come together to fight substance abuse in Hendricks County. Chief Miller would like to apply for a grant from the task force to pay overtime pay for DUI patrol. Council member Austin made a motion to approve APD to apply for Hendricks County Substance Abuse Task Force grant; and grants from here on out.

Motion was seconded by Council member Dorton. Roll call vote was taken.

C. Dorton-for, N. Gordy-for, B. Austin-for, G. Zusan-for

4-for, 0-against, 1-absent. Motion carried 4-0.

**Public Hearing**

**Ordinance 2009-25: Annexing Properties Known as Ronald Reagan Corridor**

This ordinance annexes the Ronald Reagan Corridor and adjacent properties near 100 South. Council President Zusan opened the public hearing. With no one coming forward the public hearing was closed.

**Contracts**

**Miscellaneous Services – John Munn**

Mr. Klein presented an agreement for professional services for Mr. Munn who has been assisting the Town with annexation services. Council member Dorton made a motion to approve the agreement for professional services for Mr. Munn. Motion was seconded by Council member Austin. Roll call vote:

C. Dorton-for, N. Gordy-for, B. Austin-for, G. Zusan-for

4-for, 0-against, 1-absent Motion passed 4-0.

**Authorization to Proceed with Right of Way Acquisition for CR 200N and CR 900E**

**Roundabout Project**

Mr. Cannon presented. Beam, Longest, and Neff has completed the appraisals for this project. Staff requested authorization to move forward with making offers to property owners for right of way. A motion was made by Council member Dorton to authorize staff to proceed with acquiring the right of way needed to construct the roundabout at CR

200N and CR 900E for not to exceed the appraised value of \$242,600 and to authorize the Town Manager to sign all necessary documents. Motion was seconded by Council member Gordy. Roll call vote was taken.

C-Dorton-for, N. Gordy-for, B. Austin-for, G. Zusan-for  
4-for, 0-against, 1 absent Motion carried 4-0.

#### Release of Performance Bonds and Letters of Credit

Mr. Cannon presented the information on Letter of Credit Reduction for Eden Gate, Sec 1 from \$113,600.00 to \$40,200.00 and for Avon Marketplce, from \$628,700.00 to \$145,880.00.

Also requested were performance bond release on Winton Meadows, Sec. 1, Heathermor, Sec. 3, and Village of Turner Trace, Sec. 1. Performance Bonds would be replaced with maintenance bonds.

Motion was made by Council member Austin to approve the recommendation of the public works department as presented. Motion was seconded by Council member Gordy. Roll call vote was taken.

C. Dorton-for, N. Gordy-for, B. Austin-for, G. Zusan-for  
4-for, 0-against, 1-absent Motion carried.

#### Change Orders

##### Traffic Engineering, Inc. (TEI) – 200 North/Ronald Reagan Parkway Project

TEI was hired to complete the design of the traffic signal at CR 200N and Ronald Reagan Parkway. Receiving ARRA funding means plans need to comply with more stringent standards. This required TEI to make changes to plans and provide additional information to INDOT. The Town also requested that TEI include illuminated street lights and emergency vehicle detection to the signal. Motion was made by Council member Gordy to approve the final amendment to Traffic Engineering Inc.'s contract for 200N and the Ronald Reagan Parkway for an aggregate increase of \$2,205.00 and a final contract amount not to exceed \$17,305.00. The motion was seconded by Council member Dorton. Roll call vote:

C. Dorton-for, N. Gordy-for, B. Austin-for, G. Zusan-for  
4-for, 0-against, 1-absent Motion carried.

##### Pavement Marking Project

Request for change order is due to additional RPM's that were installed on CR 625 E and Dan Jones and pavement marking at CR 150 S and Dan Jones Road. Approved contract amount was \$55,976.60. The final billing amount was \$62, 60.92. Funding for change order will be taken from MVH fund. Motion was made by Council member Austin to approve change order in the amount of \$6,084.32 for additional RPM's at CR 625E and Dan Jones Road and additional pavement marking done at CR 150 S and Dan Jones Road from MVH funds. Motion was seconded by Council member Gordy. Roll call vote was taken.

C. Dorton-for, N. Gordy-for, B. Austin-for, G. Zusan-for  
4-for, 0-against, 1-absent Motion carried.

#### Ordinances

##### Final Adoption: Ordinance 2009-27: To Provide for the Effective Conservation of Water

Mr. Klein presented. This ordinance is based on the ordinance adopted by the Town of Fishers. Indianapolis has also adopted an ordinance. This ordinance authorizes the Town Manager to declare water warning or emergency if one is declared by the City of Indianapolis. A warning would be declared if either Morse or Geist Reservoir has been reduced to less than 50 percent of their annual drawdown design capacity or if ground water wells are not functioning properly due to reduced ground water levels. An emergency would be declared if the annual drawdown capacity is reduced to less than 25 percent at either Morse or Geist Reservoir. Certain water use activities would be

prohibited during a declared warning or emergency. Some of the prohibited uses include watering grass, washing vehicles, cleaning driveways with water, filling empty swimming pools and operating water fountains that are not recycling. Vegetable gardens may be watered every other day. Nurseries are exempt from the prohibition. Certain water uses may be exempted by the Town Manager. These include commercial car washes, golf courses and watering of property owned by the Town. The ordinance establishes a fine structure that starts with a written warning. Subsequent violations are \$500.

Motion was made to approve Ordinance 2009-27 an Ordinance to Provide for the Effective Conservation of Water with the change made to Sec.6-262 (c) Second offense should read within a 12 month period and third and subsequent offenses should also read \$500 within a 12 month period. Motion was seconded by Council member Gordy. Roll call vote:

C. Dorton-for, N. Gordy-for, B. Austin-for, G. Zusan-for  
4-for, 0-against, 1-absent Motion carried.

Final Adoption: Ordinance 2009-28: Amending Ordinance Violations Bureau Schedule of Civil Penalties Mr. Klein presented. This ordinance codifies the fines from Ordinance 2009-27. Motion was made by Council member Gordy to approve Ordinance 2009-28. Council member Dorton seconded motion. Roll call vote:

C. Dorton-for, N. Gordy-for, B. Austin-for, G. Zusan-for  
4-for, 0-against, 1-absent Motion carried.

#### **Legal Counsel Report**

Counsel is working on memorandum of understanding for the YMCA.

#### **Public Comment**

No one came forward for public comment.

#### **Council Calendar**

Council meetings in November and December have been moved to the first and third Thursdays due to the holidays.

11/5 Council Meeting

11/19 Council Meeting

#### **Adjournment**