

# AVON TOWN COUNCIL MEETING

April 27, 2017

7:00pm

Avon Town Hall

6570 E US Hwy 36, Avon, Indiana

**Call to Order** was made by Council President Aaron Tevebaugh.

**Roll Call** was taken by Deputy Clerk Treasurer, Terry Sellmer. Council members present were Marcus Turner, Steve Eisenbarth, Aaron Tevebaugh, Beverley Austin (arrived 7:11) and Greg Zusan. Ryan Cannon, Public Works Director and Dan Taylor, Town Attorney, was also present.

## **Proclamations**

### **Trooper Robert J. Lather II Memorial Dedication Day**

Ryan Cannon presented the proclamation.

### **100<sup>th</sup> Year of a Graduating Class at Avon High School**

Ryan Cannon presented the proclamation.

Council member Zusan made a motion to amend the agenda and add Ordinance 2017-08 Establishing an Underground and Buried Utility District. Council member Eisenbarth seconded the motion.

M. Turner-for, S. Eisenbarth-for, A. Tevebaugh-for, G. Zusan-for  
4-for, 0-against, Motion carried 4-0.

## **Consent Agenda**

3/23/17 Executive Session Memoranda

4/11/17 Town Council Special Meeting Minutes

4/27/17- Check Register

Council member Turner made a motion to accept the consent agenda as presented. Council member Zusan seconded the motion.

M. Turner-for, S. Eisenbarth-for, A. Tevebaugh-abstain, B. Austin-abstain, G. Zusan-for  
3-for, 2-abstain, Motion carried 3-0.

## **Public Comment**

Sherry Lowden whom resides at 782 Westover Road stated there are too many trees at the roundabout at 100 South. She was concerned about not being able to see because of the trees and was concerned about maintenance of the trees. Ryan Cannon will respond to Ms. Lowden after the meeting.

## **Council Comment/Liaison Reports**

A meeting was held with Mr. Sanders and Mr. Compton regarding a development they are interested in pursuing.

Plan Commission met on Monday and all items passed with favorable recommendations.

Aerovision met and reviewed legislative session.

Hendricks County Solid Waste District met on Tuesday and are moving forward on the building.

Meeting was held with AIM and insurance committee.

Council member Zusan attended the Chamber Board Meeting and the Legislative Breakfast.

Council member Zusan attended the Plan Commission meeting as an observer. There were many questions regarding 200 North road conditions. He drove by the location and said the road did need some attention.

Mosaic is a perfect example of why we should consolidate. This was approved by Hendricks County. Avon's hands are tied. We had to take what they approved and many feel they were sold a bill of goods and thought ball fields were to be at that location. If we had consolidated, the people in Mapleton would have had a vote.

May 2nd is the Township Board Meeting.

May 5th is the Police Building dedication at 11:00 a.m.

Lt. Ritorto is retiring on May 5, 2017.

Cops grant revenue for \$20,000 should be received soon.

Local Pension Board is meeting tomorrow to approve PERF paperwork for 3 new officers.

Budget process will soon begin.

Would like to see what we can do to require some type of real estate sales disclosure.

Council President Tevebaugh appointed Caitlin Dopher as the Avon Chamber Liaison.

### **New Business**

#### **Awarding Bids: Crack Sealing**

Avon Public Works sought approval to proceed with the 2017 Crack Sealing Project.

Crack sealing is scheduled to be applied in Heathmor, Mapleton at Wynne Farms, Enclave at Winton Meadows, Winton Meadows, Ian's Point, Reserve at Shiloh Creek, Woodland Heights, Whispering Pines, and Oriole Point. Five companies were contacted to submit bids and three companies submitted. Avon Public Works recommends the 2017 crack sealing project be awarded to FE Harding in the amount of \$61,400. Discussion was held regarding the bids. Council member Eisenbarth made a motion to accept staff's recommendation in the amount of \$61,400 to FE Harding. Council member Austin seconded the motion.

M. Turner-for, S. Eisenbarth-for, A. Tevebaugh-for, B, Austin-for, G. Zusan-for  
5-for, 0-against, Motion carried 5-0.

#### **Awarding Bids: HMA Sealing**

HMA Seal is scheduled to be applied in Groves at Beechwood Farms, Beechwood Centre, Park Place, Hickory Mill, Pines of Avon, Glenfield, sections of the Settlement subdivision and a section of trail on CR 100 North starting at Harvest Ridge Subdivision and ending at Kingsway Church. Three companies were contacted and only one submitted. Council member Austin made a motion to award the 2017 HMA project to RejuvTec in the amount of \$208,847. Council member Eisenbarth seconded the motion.

M. Turner-for, S. Eisenbarth-for, A. Tevebaugh-for, B, Austin-for, G. Zusan-for  
5-for, 0-against, Motion carried 5-0.

#### **Discussion Regarding Contract Employee Work for Lt. Ritorto**

Asst. Chief Nugent provided a list of potential cases that may go to trial and need testimony from Lt. Ritorto once he is retired. Asst. Chief Nugent spoke to Dan Taylor about the possibility of Lt. Ritorto being called for testimony. Mr. Taylor noted that Lt. Ritorto would be a Special Duty Officer. This is a part time officer who is appointed to do certain tasks. The statute states that the Town Council would have to set the salary or rate of pay. The Chief can appoint any special duty officers that he needs, and in this case, he would only make the appointment if we learn a case is going to trial. An amended salary ordinance with a special line item would be needed for the Clerk Treasurer to pay the special duty officer. Council agreed to move forward and amend the Salary Ordinance for a Special Duty Officer.

#### **Authorization to purchase in car camera system**

The police department is striving to provide high definition audio/video cameras in all of the marked police vehicles. Asst. Chief Nugent presented the information from Watch Guard for six

new in car cameras. Discussion was held regarding the cameras and revenue that will be used for the cameras.

Council member Zusan made a motion to authorize the purchase of in car camera systems in the amount of \$31,020. Council member Turner seconded the motion.

M. Turner-for, S. Eisenbarth-for, A. Tevebaugh-for, B, Austin-for, G. Zusan-for  
5-for, 0-against, Motion carried 5-0.

### **Resolution**

#### **Resolution 2017-13: Authorization to Fill Vacancy**

Asst. Chief Nugent requested authorization to fill a vacancy in the Investigative division. Chief Stoops appointed Tony Fite to the Investigative Division as of April 15, 2017. The appointment does not need to be approved by the Avon Police Merit Commission, but the 2017 Salary Ordinance requires Town Council authorization to fill a vacancy.

Council member Turner made a motion to adopt Resolution 2017-13. Council member Eisenbarth seconded the motion.

M. Turner-for, S. Eisenbarth-for, A. Tevebaugh-for, B, Austin-for, G. Zusan-for  
5-for, 0-against, Motion carried 5-0.

### **Ordinance**

#### **Final Reading: Ordinance 2017-03: Establishing a Policy for Access to Public Records Act Requests for Commercial Purposes.**

Dan Taylor stated this ordinance establishes a prohibition on data mining for commercial purposes. Currently some commercial companies make public document requests to the Clerk Treasurer and the Police Department for data involving who we pay in terms of vendors and employees and crime activity. State legislatures have reacted to some complaints about this and now allow municipalities to say we are not going to do this because this is not what the Access to Public Records Act is about. This ordinance creates a prohibition for that kind of request.

Council member Austin made a motion to adopt Ordinance 2017-03. Council member Turner seconded the motion.

M. Turner-for, S. Eisenbarth-for, A. Tevebaugh-for, B, Austin-for, G. Zusan-for  
5-for, 0-against, Motion carried 5-0.

#### **Introduction: Ordinance 2017-04: Wynne Farms PUD Amendment**

Jodi Dickey introduced the ordinance. The property is located east of CR 900 E, on the north side of CR 200 N. The parcel is identified as Parcel J in the Wynn Farms PUD.

#### **Introduction: Ordinance 2017-05: Annex Properties Known as Avon Parkside Church of the Nazarene**

Ryan Cannon introduced the Ordinance 2017-05.

#### **Introduction: Ordinance 2017-06: Annex Properties Known as Northwest Farms Phase 3** Ordinance 2017-06 was introduced.

#### **Introduction: Ordinance 2017-07: Annex Property Known as Northwest Farms Phase 4** Ordinance 2017-07 was introduced.

#### **Introduction: Ordinance 2017-08: Establishing an Underground and Buried Utility District**

Dan Taylor stated this ordinance would add a section to Town Code 4-122 subsection F. This would add an additional restriction and require all utilities in rights of way to be buried and placed underground. State Legislature passed Senate Bill 213 and should be signed soon. This act provides some lessening restrictions for utilities and cell phone companies. Restrictions must be in place by May 1, 2017.

Council member Austin made a motion to suspend the rules and vote on Ordinance 2017-08 during the first reading. Council member Eisenbarth seconded the motion.

M. Turner-for, S. Eisenbarth-for, A. Tevebaugh-for, B. Austin-for, G. Zusan-for  
5-for, 0-against, Motion carried 5-0.

Council member Turner made a motion to adopt Ordinance 2017-08. Council member Zusan seconded the motion.

M. Turner-for, S. Eisenbarth-for, A. Tevebaugh-for, B. Austin-for, G. Zusan-for  
5-for, 0-against, Motion carried 5-0.

**Legal Counsel Report**

Counsel commented that the Plan Commission meeting on Monday night had a lot of public comment. Paul Guckenberger did a good job at being very patient with members who wanted to speak. Ms. Austin was also very helpful. Mr. Cannon was present and answered many questions that made this meeting go very smoothly.

Jodi Dickey thanked the Police Department for the police presence at the Plan Commission meeting.

**Public Comment**

No one came forward.

**Council Calendar**

5/2 - Joint Work Session with Washington Township Advisory Board

5/5 – Dedication ceremony for Robert Lather Memorial

5/6 – RC Festival

**Adjournment**

Meeting adjourned at 8:28 pm.