

# AVON TOWN COUNCIL MEETING

March 22, 2018

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 Clerk-Treasurer, Sharon Howell. Council members present were Marcus Turner, Steve Eisenbarth, Aaron Tevebaugh, Beverley Stafford and Greg Zusan. Tom Klein, Town Manager and Mitchell Ray, Town Attorney, were also present.

**Swearing In Ceremony: Officer Schuster**

Chief Stoops introduced Officer Greg Schuster. Judge Stuard administered the swearing in oath for Officer Schuster.

**Proclamation: Welcome Home Vietnam Veteran Day: March 30, 2018**

The Avon Town Council proclaims March 30, 2018 as Welcome Home Vietnam Veterans' Day in the Town of Avon, Indiana. Rhonda Beck of D.A.R was presented the Proclamation.

**Consent Agenda**

3/8/18 Town Council Meeting Minutes

3/22/18 Check Register

Council member Turner made a motion to accept the Consent Agenda as presented. Council member Eisenbarth seconded the motion.

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

**Public Comment**

Rian Wathen, 1480 Laurel Oak Drive, thanked Tom Klein for making the correction on the PUD information that he had posted incorrectly. He stated his opposition to the PUD 17-04 Settlement West. He asked for Council to vote against the project.

Lowell Jackson resides at 7557 Foxtail Circle in the Pines of Avon. He stated he is against the Settlement PUD and urged Council to vote against.

John Serak, 1371 Laurel Oak Ct, asked who benefits if everyone that lives here opposes the PUD. He does not believe this is an appropriate development for the area.

Randal Patterson, 611 Hamlet Drive, is with White Lick Beekeepers. He asked for Town Council to take action and work with staff on an ordinance for beekeepers.

**Council Comment/Liaison Reports**

Appreciated the zoning chart that shows undeveloped acreage.

The 911 communication center met. The lifesaver award was given to a dispatcher for providing CPR instructions over the phone while the fire department was in route.

Homeowners Association meetings discussed beekeeping and there were no neighborhood objections. Council member Zusan encouraged staff to work on an ordinance.

Council member Zusan thanked staff for the work session regarding the Hendricks County Economic Development contract, the Chamber contract, specialty housing and an Economic Development position.

Officer Schuster started on March 12, 2018. Officer Tom Owens was promoted to Sergeant. He will supervise the K9 unit.

The Avon Police Merit Commission met on March 12<sup>th</sup> and awarded 13 medals of merit to officers for outstanding acts of courage and service.

Council President Tevebaugh thanked AIS west staff and students for letters.

Softball game has been scheduled for the town/township. This will be done to raise funds for Project Lifesaver.

### **New Business**

#### **Approval of Quote to Purchase Park Utility Vehicle**

The parks department budgeted the purchase of a new utility vehicle for 2018. Staff acquired 3 quotes. Staff recommended the Town council approve the low quote from MacAllister Machinery Company.

Council member Zusan made a motion to follow staff's recommendation for the purchase of a new Kubota RTVS1100 not to exceed \$17,413.00 and to authorize the clerk treasurer to make the payment. Council member Stafford seconded the motion.

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

#### **Authorization to Purchase Road Salt through State Purchasing Program**

Since 2011, the town has purchased salt through a partnership with the State of Indiana, resulting in a significant savings to the town. Staff recommended the Town council authorize the submittal of a commitment to purchase 1200 tons of treated salt through the statewide salt purchasing program.

Council member Eisenbarth made a motion to authorize the purchase of 1200 tons of treated salt. Council member Turner seconded the motion.

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

#### **Approval of Contract Amendment for Parks Study**

Context is under contract to update the Town Hall Park Site Plan. The Town has acquired 20 acres at Winton Meadows and 14.5 acres at CR 100 South and Dan Jones Road.

Staff recommended that Council approve the contract amendment with Context, LLC to complete the additional Park Study for not to exceed \$8,800.

Council member Turner made a motion to approve the contract amendment with Context, LLC not to exceed \$8,800. Council member Stafford seconded the motion.

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

#### **Approval of Contract Amendment for Town Center Feasibility Study**

The newly adopted Comprehensive Plan included the goal of exploring the possibility of developing a Town Center. Staff recommended Council approve the contract amendment with Context, LLC., since they are already under contract working on our Parks Master Plan.

Council member Eisenbarth made a motion to approve the contract amendment with Context, LLC for not to exceed \$23,500. Council member Zusan seconded the motion.

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

### **Resolution**

#### **Resolution 2018-08: Authorization to Fill Vacancy in Police Department**

Avon Police Department requested authorization to fill a vacancy for a police officer.

Council member Zusan made a motion to authorize the vacancy in the police department to be filled. Council member Eisenbarth seconded the motion.

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

### **Ordinance**

#### **Final Reading: Ordinance 2018-02: Settlement West Planned Unit Development**

Jodi Dickey presented. The Advisory Plan Commission held a public hearing at their January 22, 2018 meeting. Commissioners made a motion to send a unanimous positive recommendation. Staff recommends that the Council adopt Ordinance 2018-02, The Settlement West PUD. Discussion was held. Council member Zusan asked if the addition of the park land was the only change from the original presentation. Ms. Dickey responded that it was. Council member Eisenbarth asked if petitioner has put together any statements about what the innovation is and why it is different now that they have paired the land with the development. Ms. Dickey said the petitioner had not prepared a statement but stated that staff considered the pristine property is something that you have not received with other properties that were approved. Staff felt it was more innovative than some subdivisions. Council member Eisenbarth asked what the value is compared to highly developed park land. Ms. Dickey responded that there is value to land that is not developed. It will boost the eco system in that area. There are national studies that show neighborhoods that are near or adjacent to trails have a higher price point. She also discussed the range/sizes of lots available in the area. Council member Turner asked what the target price would be for these homes. Ms. Dickey responded that she believes they start in the \$250,000 range. Council asked if the petitioner could speak about the density. Council member Tevebaugh asked if this park would be a long-term asset or liability. Mr. Cannon responded that there has not been a lot of discussion about this park plan as they are not sure if it will become park land. He added that we have been looking for park land for 10 years and had received feedback that the property owners were not interested in selling, so they moved on and looked at other properties. He added that certainly this is one of the most beautiful pieces of property in Town. He envisioned it being left natural; but allowing people to utilize and enjoy the property. He added there would be some expenses to the Town if they took responsibility for the park land. He stated that the PUD is not specific in saying the Town has to take the property. It says it would be preserved park space. He recommended it be taken as a public park. Council member Eisenbarth questioned the fiscal study document. Discussion continued regarding rezoning, variances and minimum lot sizes. Jeff Banning with Banning Engineering was present along with Richard Henderson and the development group. Mr. Banning provided the history of this project and what they proposed over a year ago and the differences today. He also discussed the project without the additional acreage to the north, trails, common space and options. Mr. Banning also has met with the school superintendent. They had no concerns about the development. He discussed density and particularly Stratford of Avon which would not meet the requirements today. He added things are changing and this development works well for the ground available.

Council member Eisenbarth made a motion to follow the Plan Commission's favorable recommendation and adopt Ordinance 2018-02 Settlement West Development.

Council member Stafford seconded the motion. Council member Zusan thanked the Turners for donating the land. He referred to the zoning and read a statement (unable to hear). He added that in his opinion the intent of the Avon Zoning Ordinance has not been met, Section 5-1. Council member Eisenbarth added that the innovation has been proven to him. Council member Turner added that if this were being straight zoned, when we redid the subdivision control ordinance, we

put in a lot of density bonuses. To get that extra density you would have to provide some type of amenity and a park would be acceptable.

Roll call vote was taken:

M. Turner-for, S. Eisenbarth-for, A. Tevebaugh-for, B. Stafford-for, G. Zusan-against 4-for, 1-against, Motion carried 4-1.

Introduction: Ordinance 2018-07: Reestablishing the Cumulative Capital Development Fund

This ordinance re-establishes the \$.05 CCD rate.

**Legal Counsel Report**

None

**Public Comment**

Rian Wathen, 1480 Laurel Oak Drive, stated he was very disappointed in the vote (Settlement West PUD). He expected to hear someone ask if the development meets the requirements of the ordinance. The only person that asked that was Mr. Zusan. He believes there should be a mix of R1 and R2.

Lowell Jackson, 7557 Foxtail Circle, commented on the Settlement West PUD. He stated Council has a responsibility to everyone in Avon to make sure that you serve all of us.

Dave Cutting, 7165 Kensington Court, also commented on the Settlement West PUD vote. He lives by the big apartment complex that went in on Dan Jones. In the future, he would like for Council to keep in mind that we have enough high density all ready.

Jack Mason, 6308 Timber Climb Drive, spoke on the Settlement West PUD. He commented on the proposed park, the smaller roads, and the closeness of homes. He did not agree with the vote.

Deana Fiddler lives at 6894 Merit Ridge Way in Woodland Heights which is a PUD. She commented on closeness of homes, rental homes, standards being lowered, and parking problems in Woodland Heights. Driveways are too small and people park over the sidewalks. She advised Council to visit some of these places that they have approved over the years and talk to the people who live there and see what the areas have turned into before you approve more PUDS.

Pat Laughlin whom resides at 6415 Timber Climb drive thanked Council for doing what they do and stated it is not always easy. However, he is not happy with the decision that was made on Settlement West PUD. He commented on the need to have places for new industry and for people to come and build homes the way they want to live. He pleaded with Council to not bury R1 and R2 and asked that they keep it available and prosperous.

Diane Mason, 6308 Timber Climb Drive, commented that Avon has commercial space that needs to be filled. She believes this is where Council's time and energy needs to go and not for small density housing.

Dan Stevens, 6754 White Oak Drive, asked Council to think about the town and its future. He asked how this development fits into the future Avon. He asked to keep zoning the way it is and let someone come in and develop something that meets the surrounding neighborhoods.

Marsha Stubaman whom lives in Prestwick stated she has lived here for 3 years and they moved here because it was a gorgeous community. She sees our communities future as a big hodge podge and that is not what she wants for Avon. She was very disappointed in the vote and believes Council should take care of the citizens and not leave it to the developers.

Katie Madday, 2738 Twinleaf Drive, asked if not this, then what? This area is her back yard and she would rather see neighbors than a distribution center. She thanked Council for looking at what the area is and for seeing what they do not want to have in the area.

Dave Fiddler, 6948 Merit Ridge Way thanked everyone for their vision, for the thoroughfare plan and new subdivision plans. He said create this vision and let the developers follow our standards.

**Council Calendar**

4/14 – Chamber dinner

4/21 – Next Council meeting

4/28 - Art Scape

**Adjournment**

Meeting adjourned at 9:40 p.m.