

AVON TOWN COUNCIL MEETING
October 23, 2008
Avon Town Hall Council Chamber

Call to Order was given by Michael Rogers, Council President.

Invocation was led by Pastor John Caldwell.

Pledge of Allegiance was led by Council President, Michael Rogers.

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

Consent Agenda

1. September 25, 2008 Minutes
2. October 23, 2008 Check Register

Council member Dorton made a motion to approve the Consent Agenda as presented. Council member Zusan seconded the motion. The clerk-treasurer called roll:

C. Dorton for
N. Gordy absent
B. Austin absent
G. Zusan for
M. Rogers for

3-for, 0-against, 2-absent. Motion carried 3-0.

Public Comment

There were no comments from the public.

Council Comment

None

Old Business

None

New Business

Request to Purchase Police Vehicles

Chief Miller requested authorization to purchase two vehicles. One vehicle will be paid for by Centex. There is an insurance payment of approximately \$9,600 for the totaled vehicle. One vehicle is estimated to cost \$20,786 minus the insurance settlement and excluding equipment.

Council member Dorton made a motion to approve the purchase of one police vehicle not to exceed \$25,000. Council member Zusan seconded. The clerk-treasurer called roll:

C. Dorton for
N. Gordy absent
B. Austin absent
G. Zusan for
M. Rogers for

3-for, 0-against, 2-absent. Motion carried 3-0.

Council member Dorton made a motion to approve \$4,200 for the transfer and purchase of equipment for the new police car purchased by Centex. Council member Zusan seconded the motion. Roll call vote was taken:

C. Dorton for
N. Gordy absent
B. Austin absent
G. Zusan for
M. Rogers for

3-for, 0-against, 2-absent. Motion carried 3-0.

White Lick Creek Corridor Trail Design

Mr. Cannon stated the cost is \$157,200 for the Phase 2 trail along White Lick Creek. The Town was awarded federal funds for this project. The project's funding is through a Transportation Enhancement Grant. The Town was awarded this grant in 2004. Staff has followed the INDOT process for the selection of the engineer so that the cost of design can be reimbursable. Cannon discussed the project and the cost. The Parks Council is aware of this but has not seen the contract. The contract has been reviewed by the town attorney, Dan Taylor.

Council member Dorton made a motion to table the White Lick Creek Corridor Trail Design. Council member Zusan seconded the motion. Roll call vote was taken.

C. Dorton for
N. Gordy absent
B. Austin absent
G. Zusan for
M. Rogers for

3-for, 0-against, 2-absent. Motion carried 3-0.

Right Of Way Acquisition

Right of way purchase is required to complete the 200 south road widening project to be conducted by The Settlement. Right of way purchase is also required on Dan Jones Road to complete the drainage improvement project. Mr. Cannon, public works director, provided council additional information.

Cannon requested the Town Council authorize the staff to acquire right of way from the Enlo and Duke properties for not to exceed 10% of appraised values; and that the Town accept the dedication of the Cedar Run and Dean Turner properties from Centex Homes as presented by the staff.

Council member Zusan made a motion to approve the right of way acquisition. Council member Dorton seconded the motion. The clerk-treasurer called roll:

C. Dorton for
N. Gordy absent
B. Austin absent
G. Zusan for
M. Rogers for

3-for, 0-against, 2-absent. Motion carried 3-0.

Award 2008 HMA Project

Avon Public Works is seeking approval to proceed with the 2008 HMA (Hot Mix Asphalt) project. The project includes a Base Bid, Alternate A, and Alternate B. T

The low bid for the 2008 HMA Project was \$261,035.45 from Grady Brothers. The low bid was \$106,553.55 below the engineer's estimate. Mr. Cannon stated that the bid was low because the company is trying to keep employees working.

Council member Zusan made a motion to award the 2008 HMA Project to Grady Brothers not to exceed \$261,035.45. Council member Dorton seconded the motion. Roll call vote was called.

C. Dorton for
N. Gordy absent
B. Austin absent
G. Zusan for
M. Rogers for

3-for, 0-against, 2-absent. Motion carried 3-0.

Award 2008 Dan Jones Sidewalk and Drainage Project

Mr. Cannon presented. The low bid for the 2008 Dan Jones Sidewalk and Drainage Project was from JDH for \$114,707.50. The low bid was \$31,550.50 below the engineer's estimate. Phase I of the project includes constructing two sections of sidewalk with one on the east side of Dan Jones Rd to south side of Burnett Blvd., and the other on the west side of Dan Jones Road to Westwind Drive. The drainage improvement is on the west side of Dan Jones Rd near Westover Woods Subdivision. Council member Dorton made a motion to award the 2008 Dan Jones Sidewalk and Drainage Project to JDH Contracting not to exceed \$114,707.50 and subject to legal approval. Council member Zusan seconded the motion. Roll call vote called.

C. Dorton for
N. Gordy absent
B. Austin absent
G. Zusan for
M. Rogers for

3-for, 0-against, 2-absent. Motion carried 3-0.

Fiber Agreements

Mr. Klein asked that this item be tabled until the next meeting.

Council member Zusan made a motion to table the Fiber Agreements until the next meeting. Council member Dorton seconded the motion. Roll call vote was taken.

C. Dorton for
N. Gordy absent
B. Austin absent
G. Zusan for
M. Rogers for

3-for, 0-against, 2-absent. Motion carried 3-0.

Annexation

Resolution 2008-19: Fiscal Plan for Annexation of Property Known as Bradley Annexation Parcel B.

The resolution is the fiscal plan for the second portion of the Bradley Annexation. The final adoption will take place by ordinance. All notification procedures have been followed.

Council member Zusan made a motion to approve Resolution 2008-19: Fiscal Plan for Annexation of Property Known as Bradley Annexation Parcel B. Council member Dorton seconded the motion. The clerk-treasurer called roll:

C. Dorton for
N. Gordy absent
B. Austin absent
G. Zusan for
M. Rogers for

3-for, 0-against, 2-absent. Motion carried 3-0.

Ordinance 2008-22: Bradley Annexation Parcel B.

Mr. Klein stated this is the final step for the second portion of the Bradley Annexation. The public hearing was held at a previous meeting. Council President Rogers thanked the Bradley family for their cooperation.

Council member Zusan made a motion to approve Ordinance 2008-22: Bradley Annexation Parcel B. Council member Dorton seconded the motion. Roll call vote called.

C. Dorton for
N. Gordy absent
B. Austin absent
G. Zusan for
M. Rogers for

3-for, 0-against, 2-absent. Motion carried 3-0.

Ordinance

Ordinance 2008-26: Personnel Manual

Council President Rogers noted this information has just been received. He requested this item be tabled until the next meeting when Ms. Gordy can be present.

Council member Dorton made a motion to table Ordinance 2008-26 Personnel Manual. Council member Zusan seconded the motion. Roll call vote called.

C. Dorton for
N. Gordy absent
B. Austin absent
G. Zusan for
M. Rogers for

3-for, 0-against, 2-absent. Motion carried 3-0.

Ordinance 2008-27: Amending Park Rules

Mr. Klein stated the current park rules forbids alcohol in the park. This ordinance would amend the rules to allow use of alcohol in the park for an event if a permit was acquired. The Parks Council has recommended that the park rules not be changed regarding the prohibition of alcohol in the park.

Council member Dorton asked Mr. Klein to find out what the policy is for other parks.

Council member Zusan made a motion to deny Ordinance 2008-27: Amending Park Rules. Council member Dorton seconded the motion. Roll call vote called.

C. Dorton for
N. Gordy absent
B. Austin absent
G. Zusan for
M. Rogers for

3-for, 0-against, 2-absent. Motion carried 3-0.

2009 Budget

2009 Budget Public Hearing

The Public Hearing was opened and closed with no one coming forward.

2009 Budget Work Session

Mr. Klein stated this is the next step in the budget process. The budget will be adopted at the next meeting. This meeting is for Council to give direction on how proceed to proceed with the budget. The general fund budget needs to be cut by \$224,000. Council member Rogers would like to see policies in place to give the Town Manager guidance to help with the budget for next year. Mr. Klein discussed the following:

- No increase in the Town's contribution for health insurance
- General Fund
- Public Works Funds
- TIF
- Economic Development Income Tax Fund
- Rainy Day Fund - advertised to spend some money from this fund

Mr. Klein asked for guidance from Council so they can present an amended budget at the first meeting in November for final consideration.

Discussion was held on controlling health insurance expense, health savings accounts, and changes in health insurance deductibles. Mr. Klein will amend the budget after receiving discussing budget reductions with each council member.

Ms. Howe will present the final health insurance recommendation to Council. Council members agreed that an insurance presentation by Ms. Howe would be beneficial.

Additional topics discussed included benefit administration, full and part time employee status, cross training of employees, and seasonal employees. Mr. Taylor said generally benefits are voluntary and we are not obligated to provide them. Pension and retirements benefits require everyone to be treated the same.

Council member Zusan suggested that Mr. Klein speak with Judge Owens.

Council discussed the Community Grant Program and its administration by the Parks Advisory Council and its intended use for community events held in Avon. Also discussed was reducing the amount of the grants for 2009.

Mr. Klein asked if it would be more efficient to take the information given and develop an amended budget for the next meeting. Mr. Klein would be able to talk with Council members Austin and Gordy and amend the budget.

Council member Dorton said this has been on the agenda for 3 meetings and we will have to talk to the Judge and the other two Council members. He noted that we need to pull this together. He would like to have Mr. Klein's budget proposal one week before the meeting.

Council President Rogers asked Mr. Klein to list the items they have discussed tonight and the person making the suggestion.

Legal Counsel

Mr. Taylor provided an updated project list.

Public Comment

None

Council Calendar

November 6, 2008 – Council Meeting

November 4, 2008 – Election Day -Town Hall will be open

Adjournment

A motion was made to adjourn.

