

AVON TOWN COUNCIL MEETING

December 4, 2008

Avon Town Hall Council Chamber

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

Invocation was led by Council member, Charlie Dorton.

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

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

Consent Agenda

1. October 23, 2008 Minutes
2. November 6, 2008 Minutes
3. November 30, 2008 Check Register
4. Introduction: Ordinance 2008-34: Amending Tax Abatement Provisions of the Town Code

Council member Austin made a motion to approve the Consent Agenda as presented. Council member Gordy seconded the motion. Roll call vote was taken.

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

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

Public Comment

None

Council Comment

Council member Dorton would like to thank the town for moving the asphalt trucks and snow plows from Town Hall parking lot.

Council member Dorton asked about applications for boards and commissions. Klein has received none. Mr. Klein will provide a spreadsheet to Council on open positions and length of terms.

Old Business

None

New Business

Authorization to Pay Out Unused Leave Time

Mr. Klein presented. The Council adopted a new personnel manual that becomes effective January 1, 2009. There is still an issue of unused leave time remaining. This is a large obligation for the Town. There has been discussion of trying to reduce this obligation by having a portion of the unused leave time paid out at the end of this year. Klein presented to the Council three spreadsheets showing how much would need to be paid out if all of the unused leave time was paid out. The new policy requires employees to use their vacation time. Supervisors can authorize carry over time and unused time for certain circumstances. The carry over time will have to be used the following year. Council President Rogers asked Klein what the payout is for the three different options. Klein stated that if you paid out all time remaining there would need to be paid out \$86,000. If you paid out all time excluding 80 hours it would be \$39,000. If you paid out all time except 40 hours it would be \$56,000. Council member Rogers asked Gordy what the recommendation is from the Personnel Committee. Gordy recommends that they allow the 80 hours carryover this year. Rogers shared with the public that the funds are coming from their "rainy day" fund and it is for hours that employees have earned. Jack Miller said that they had a staff meeting and advised everyone to get with their supervisor at the first of the year and plan their vacations so manpower wise they wouldn't be short and have to cover a shift with personnel from another shift and pay overtime when they are filling in for others. Rogers asked if Chief Miller was planning to implement a policy at the beginning of the year so that it is very clear to the employees that this is a requirement. Klein asked that they authorize payment in January of 2009 but use the 2008 rate. This is being proposed to be paid no sooner than the second pay period in January.

Council member Dorton made a motion to approve the payout of carry over time in the amount of \$39,498.25 to be paid no sooner than second pay period of January 2009 based on 2008 salaries. Dorton amended his motion to not state a specific dollar amount, but allow each employee not to have more than 80 hours carry over time. Council member Gordy seconded the motion. Roll call vote called.

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

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

Insurance Renewal

Mr. Klein presented. Every year the town has its insurance renewed. This is insurance for property/casualty to insure buildings and equipment and also the Town's workers compensation insurance. Hylant Group is our current agent. Nate Peterman gave an overview of what is being offered. Klein recommended that an annual inspection be done to the dam to make sure there are no infiltrations from animals or anything else that may interfere with the emergency spillway to maintain it as a safe structure. Klein stated that he is requesting \$91,654 for

property/casualty and workers compensation for HAS is \$33,601. Rogers asked Klein if his recommendation was to approve both of these; Klein stated yes. Also, note that the property/casualty coverage also covers for a terrorist act.

Council member Dorton made a motion to approve the property/casualty insurance with the Hylant Group in the amount \$91,654 and also the workers compensation for HAS in the amount of \$33,601.

Council member Gordy seconded the motion. Roll call vote called.

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

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

County Road 100N/Dan Jones Road Utility Agreements

Mr. Cannon presented. There will need to be reimbursements to the utility companies involved. Vectren will need to be reimbursed for the actual cost therefore they will keep daily logs of hours and materials used. They will also be purchasing a new easement and that is reimbursable. There are three things affected with Vectren; the regulator station, 8" distribution line and a 12" transmission line. All three of these will need to be relocated. DLZ reviewed the plans and were unable to find a less expensive route. So, the materials they need to order and their hours worked will need to be reimbursed. There is potential that the costs will be less, there is also potential that the costs will be more. Cannon does not suspect that will be the case. Currently the Vectren agreement is for \$1,260,000. They have estimated their easement cost at \$200,000. AT&T is the other utility; they have lines and fiber optics all over the place. Relocation cost for them are \$200,000. Vectren's agreement is twice as much as what the Town budgeted and AT&T is below what was budgeted. The agreements are standard agreements. We knew a couple months ago that costs were going to be more than we budgeted for and we did run this past council.

Council member Austin sent Mr. Cannon an email requesting the existing status of other road projects. A report was submitted that had been updated recently and so it shows where we were at prior to the relocation changes in terms of budget. It shows what our federal funds were, what our share was and then what we have expensed so far.

Council member Austin asked for a better idea of what the additional town's share would be. Mr. Cannon stated that our share would be around \$160,000 of additional expense. Officially we do not have federal funds approved for the new amount. Mr. Cannon is confident that we will get it; he has talked to them and let them know about the additional amount from Vectren. They are aware that this was a surprise to us; we were unaware. Council member Rogers stated that the additional cost is assuming there are no change orders or anything else. Mr. Cannon stated that it is just on the relocation, there is a 10% contingency.

Council member Dorton asked about the new easement for Vectren do they have to share with the town? Mr. Cannon said they will have a simple process that will be done. Not sure where they will relocate the easements.

Council member Rogers asked Mr. Cannon the amount that he is asking for approval on. Mr. Cannon stated that he is requesting \$1,260,000 for Vectren and AT&T's total is \$44,547.13.

Council member Austin made a motion to approval the utility agreements with AT&T for the amount not to exceed \$44,547.13 and Vectren for not to exceed \$1,260,000. Council member Gordy seconded the motion. Roll call vote called.

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

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

Change Order for American Structurepoint

Mr. Cannon presented. This is for the acquisition for CR 200 S and Dan Jones Road. An agreement was signed previously for services up to a point where the number of parcels to be acquired was determined. They have gotten to a point in the project where they have identified the parcels to be acquired; therefore, we need to do an amendment for \$24,305 to complete the project. This project will be funded 80% federal and the local share will be paid for with the Go! Avon bond proceeds.

Council member Gordy made a motion to approve amendment #1 for American Structurepoint to complete the ROW Acquisition services for the Roundabout at County Road 200 S and Dan Jones Road for not to exceed \$24,305, subject to approval by the Town attorney and INDOT. Council member Austin seconded the motion. Roll call vote called.

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

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

Trail and Sidewalk Master Plan Update Recommendation

Mr. Cannon presented. The Town created and adopted the Trail and Sidewalk Master Plan in 2002. Tonight they would like to update the plan. Their biggest goal is to update the map and create some priorities. The selection committee reviewed proposals from 8 firms and interviewed 4. The firms interviewed were BF&S, RW Armstrong, CBA, Inc., and the team of Eagle Ridge and Banning Engineering. The selection committee recommends that RW Armstrong be the company to choose. The selection committee felt that RW Armstrong recognized the use of the trail, were very enthusiastic, experienced and focused. The one thing the committee was concerned about was the cost to complete this. They would like to

recommend a second choice if a fee cannot be reached with the first choice. Second choice is BF&S. Council member Rogers asked what the estimated cost for this plan is. Mr. Cannon stated that he believes there is \$20,000 in the budget. Rogers asked if we have a proposed plan or if one was going to be submitted. Mr. Cannon said they will have them develop a scope and then go through it together. If there are some items that are not necessary and they can eliminate them and add items if they want. Mr. Cannon has an idea of a scope and he will work together with the company they choose to work with. Council member Dorton asked Mr. Cannon if there is any reason that would prohibit them to do future projects and what they would rank as first and second. Mr. Cannon said that if they don't like project #1 they can always go to project #2. Mr. Cannon said that this one is a local one so they want to be more specific about it. He was asked the where RW Armstrong is located. They are located in Indianapolis; they are a national company as well. Council member Rogers asked if they were getting anymore computer graphics or documentation with this that displays on the town website and allows people to look at. Mr. Cannon stated yes and will end up being a GIS later. They have run into some problems putting the document on the website because it is too large to upload.

Council member Austin made a motion to approve the selection of RW Armstrong as choice #1 and BF&S as choice #2 to complete the update to the Trails and Sidewalk Master Plan. Council member Gordy seconded the motion. Roll call vote called.

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

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

Contract for BLN-Right of Way Services for 200 North/900E

Mr. Cannon presented. This project is running parallel with the 200 South project. The Town Council approved the selection of BLN to complete the ROW acquisition for this intersection in May of 2008. A contract was not negotiated at the time because the number of parcels was not determined. They did follow the INDOT process for this selection. They now know that seven parcels will need to be acquired to complete the project so BLN has prepared an estimate of cost to complete the right of way (ROW) acquisition. Mr. Cannon presented a contract for the amount of \$44,200. This is a standard contract. Project should be reimbursed by the standard 80%. Mr. Cannon believes there may be some additional cost due to the southwest corner. Mr. Cannon said they should know of any additional costs very soon. Council member Rogers asked if the cost would be covered. Mr. Cannon said that it would be covered in their project acquisition costs.

Council member Dorton made a motion to approve the contract with BLN to perform the ROW Acquisition services for the Roundabout at County Road 200 N and County Road 900 E for not to exceed \$44,200, subject to approval by the Town attorney and INDOT. Council member Austin seconded the motion.

Roll call vote called.

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

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

Fiber Optic Project

Mr. Klein presented. He believes they are at the final step for the fiber project. The Town worked with Hendricks Regional Health to purchase fiber that runs along US 36; downtown Indianapolis through Avon. The Town had a bid this year to connect that fiber to the Town Hall, Washington Township Park, and the three Fire Stations, as well as the Township Administration Building. The Town is responsible for paying the portion connecting to the Town Hall. There are three agreements that need to be done to get it ready to go.

- Colocate Agreement – An agreement with the Town of Avon, the Town of Danville, and the Town of Plainfield to colocate their fiber hardware in downtown Indianapolis on the same rack. We have to pay to have a location in the data center to widen our fiber.
- IRU Agreement – There is fiber that runs down Dan Jones from Hendricks Regional Health, Avon Center to the dispatch center that was installed by the Town of Plainfield. They have agreed for the Town of Avon and Danville to use a portion of that fiber to communicate with the dispatch center. This assigns the rights to the Towns of Danville and Avon.
- Switch Sharing Agreement – To share the switch at Hendricks Regional Health between the Towns of Danville and Avon to have fiber run there down Dan Jones to dispatch.

These are the three agreements that were presented to the Council. These agreements have been approved by other respected agencies, the Towns of Danville and Plainfield. We are the last party so once we get those signed we will be able to finalize the schedule to install fiber which will light the fire and could occur as quickly as Monday of next week. Council member Rogers asked if Mr. Taylor has had a chance to review the agreements. Mr. Taylor said he has looked them over several times. Mr. Klein pointed out that there is an amount for the IRU Agreement that the Town will pay to the Town of Plainfield for our share of the construction for the cost for the fiber. Mr. Klein believes the cost is around \$7,000. The new agreements state the amount the Avon will pay and the amount that Danville will pay.

Mr. Klein stated the agreement is for five years and you can extend it an additional five years. Council member Gordy made a motion to approve the Colocate Agreement by and between the Town of Avon, Danville and Plainfield. Council member Dorton seconded the motion.

Roll call vote called.

C. Dorton for
N. Gordy for
B. Austin for

G. Zusan absent
M. Rogers for

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

Council member Dorton made a motion to approve the Assignment of Rights to Dark Fiber IRUs. Council member Gordy seconded the motion. Roll call vote called.

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

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

Council member Austin made a motion to approve the Switch Sharing Agreement by and between the Town of Avon and the Town of Danville. Council member Gordy seconded the motion. Roll call vote called.

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

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

- Bandwidth Purchase – Needs to purchase with the fiber. We have received bids from five different companies. The low bid was from US Signal for 12megs of bandwidth. The Town of Danville will be purchasing 6megs of the 12megs, Washington Township will be purchasing 6mg, and the Town of Avon will be purchasing 3megs. Each town will be separately billed by US Signal for their portion and the town's amount would be \$206.25. A current bandwidth price is \$249 a month through Brighthouse Cable; the bandwidth is based on the use. This US Signal bandwidth will remain the same at all times by all users. Council member Rogers asked why Danville would need 6megs and we only need 3megs. Rogers is curious what they are addressing. Mr. Klein stated that because their fire and police are under the Town of Danville they are using 6megs. So if you combine Town and Washington Township we are actually getting 9mg.

Council member Austin made a motion to approve the purchase of Bandwidth from US Signal in the amount of \$206.25 per month. Mr. Taylor stated that they might have the motion be that the addendum to the sales contract be approved. Council member Austin restated her motion to approve the sales contract for US Signal purchases. Council member Gordy seconded the motion. Roll call vote called.

C. Dorton for
N. Gordy for
B. Austin for

G. Zusan absent

M. Rogers for

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

- Township Agreement – We work with the Township of the installation of the fiber. We will be working with them on the access of the hardware that is needed. We will have separate fiber and the Township has asked to utilize our hardware to light their fiber. In exchange they have agreed to pay the Town for the change order that was made to extend the fiber to fire station #3. The Washington Township Trustee is in the audience and he is aware of what is going on. Utilization of our switch is valued at \$16,000 and one year service. Staff will develop an agreement upon authorization from Council.

Council member Dorton made a motion to approve the agreement with the Township to share the Towns hardware and the Township has agreed to pay \$22,000 to the Town for the fiber optic change order in exchange for use of the Town Fiber Optic Switches. Council member Gordy seconded the motion. Roll call vote called.

C. Dorton for

N. Gordy for

B. Austin for

G. Zusan absent

M. Rogers for

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

Resolution

Resolution 2008-22: Budget Controls

Mr. Klein presented. He and the Clerk-Treasurer, Sharon Howell, have been meeting to discuss budgetary controls for 2008 as well as 2009. We have not received all of our property tax revenue for 2008 and we probably won't be receiving some of that until the second or third month of 2009. Mr. Klein believes it is good for us to insure that we are keeping control. Mrs. Howell and Mr. Klein have come up with some new budgetary controls that they are recommending be implemented to help them monitor their expenses. This Resolution outlines different steps that they are proposing to take in 2009. Council member Rogers stated that he has met with Mr. Klein and Mrs. Howell about this resolution and believes that this Resolution is necessary.

Council member Austin made a motion to approve Resolution 2008-22: A Resolution of the Avon Town Council Regarding Budget Controls. Council member Dorton seconded the motion. Roll call vote called.

C. Dorton for

N. Gordy for

B. Austin for

G. Zusan absent

M. Rogers for

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

Ordinance

Final Adoption: Ordinance 2008-29: 2009 Salary and Benefits

Council member Austin thought that they were going to wait to look at the ordinance until the next Council Meeting, after Mr. Klein's evaluation. There is a plan to meet with employees regarding health insurance; therefore, Mr. Klein felt it was important to give employees some certainty; his salary could be addressed as an amendment if chose to in the future.

Council member Dorton made a motion to table the Final Adoption: Ordinance 2008-29: 2009 Salary and Benefits until the next town meeting. Council member Austin seconded the motion. Roll call vote called.

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

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

Final Adoption: Ordinance 2008-30: Amending Fee Schedule

Mr. Klein presented. This is an ordinance that provides numerous amendments to our fees schedule. It is not just planning and building fees, it includes other fees. A majority of these fees have not been increased in over five years. There is also a letter from EMH&T about their fees. One question to them was whether they are going to ask for a change in their fee for development and plan review services. They wanted to see how the reviews go in the first six months before they come and say what they want to do. They are requesting a fee for a review of the Stormwater Pollution Prevention Plan review in the amount of \$350. Mr. Klein believes that was in the fee schedule. Council member Rogers asked if that was in the fee schedule before or is it an addition. Mr. Klein and Mr. Cannon said it is a new fee.

Mr. Taylor asked if the increase was designed to cover the increased salaries or cost for administrating the permits and other approvals. Mr. Klein said yes, it is to cover the expenses of the Town.

Council member Austin made a motion to approve Final Adoption: Ordinance 2008-30: Amending Fee Schedule. Council member Gordy seconded the motion. Roll call vote called.

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

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

Legal Counsel Report

Mr. Taylor presented. The case with Andy Mohr for legal matters, trial has been scheduled in August, 2009. Town is required to schedule mediation for February 15th the beginning of the New Year. Mr. Taylor will provide all the details.

The arbitration they are busy with the depositions, about one a day. That will continue all next week. Judge Owen is on the 16th. Will try to get an assessment of what they learned is new.

Mr. Taylor also mailed today a project update.

Lowe's asked for a modification and it was denied. Believe it became a compliance issue.

Public Comment

None

Council Calendar

12/10/08 – 6:00 p.m. Executive Session Meeting

12/13/08 – Sebree Christmas Party at the Shelter & Employee Dinner at Papa Joe's

12/14/08 – 7:00 p.m. Angel of Hope

12/17/08 – 6:30 at AHS in the Café - Band Pizza (the Chamber has offered to split the cost with the Town).

12/18/08 – Council Meeting

Adjournment

A motion was made to adjourn.