

AVON TOWN COUNCIL MEETING
December 18, 2008
Avon Town Hall Council Chamber

Call to Order was given by Michael Rogers, Council President, and the Pledge of Allegiance was recited. Council member Dorton led the invocation.

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

Police Department Awards – Length of Service

Chief Miller asked that the awards be presented at the next meeting.

Consent Agenda

1. December 4, 2008 Executive Session Minutes
2. December 18, 2008 Check Register
3. Introduction: Ordinance 2008-35: Authorizing Transfers and Repeals

Council member Austin made a motion to approve the Consent Agenda as read. Council member Gordy seconded the motion. Roll call vote called.

C. Dorton - for, N. Gordy - for, M. Rogers - for, B. Austin - for, G. Zusan - for 5-for, 0-against. Motion carried 5-0.

Public Comment

None

Council Comment

Council member Zusan complimented Ryan Cannon on the Angel of Hope project and the presentation. He also gave thanks to Mark White for his contributions to the Town over the last year.

Reports

Mr. Klein provided copies to Council. Council member Dorton spoke to Chief Miller and Mr. Klein regarding the accidents at the roundabout. He believes the next phase is education, implementation and getting ready for the projects for 2009. He would like to see our new roundabouts introduced to the media in a press release.

Old Business

Fiber Hardware Access Agreement

Mr. Klein discussed the agreement and provided copies to Council. Mr. Zusan discussed the cost of maintenance for the first year and in subsequent years. Mr. Klein noted that annual maintenance is \$100 a year and after the first year the cost will be split between Town and the Township. A late fee was assessed on the invoice. Mr. Klein will contact them about the late fee.

Council member Zusan made a motion to approve the Fiber Hardware Access Agreement with the late fee being removed and adding that in future years the maintenance fee will be shared. Ms. Austin seconded the motion.

Roll call vote called.

C. Dorton - for, N. Gordy - for, M. Rogers - for, B. Austin - for, G. Zusan - for 5-for, 0-against. Motion carried 5-0.

New Business

Insurance Renewal, Health, Dental, Vision, Disability

Lori Howe, insurance agent, went through the new plan. She discussed the following:

- Rate changes,
- Two different plans
- Funding
- HSA
- Current plan
- Town's exposure
- Vision, Life, AD&D, Dental
- Vision and Dental only

Council member Gordy made a motion to approve the benefits as presented with the change that employees can select vision and dental separately from the health insurance for \$25 per family and \$10 for individual coverage. Council member Austin seconded the motion. Roll call vote called.

C. Dorton - for, N. Gordy - for, M. Rogers - for, B. Austin - for, G. Zusan - for 5-for, 0-against. Motion carried 5-0.

Selection of Consultant for Subdivision Control Ordinance Update

Mr. Al Salzman, Planning Director, presented. The review committee used the QBS process and is recommending that Ground Rule, Inc. be selected to assist with the update of the Subdivision Control Ordinance. The review committee consisted of Mike Rogers, Marcus Turner, Ryan Granata, Ryan Cannon and Al Salzman.

Council member Zusan made a motion to approve the selection of Ground Rules, Inc. to complete the update to the Subdivision Control Ordinance. Council member Gordy seconded the motion. Roll call vote called.

C. Dorton - for, N. Gordy - for, M. Rogers - for, B. Austin - for, G. Zusan - for 5-for, 0-against. Motion carried 5-0.

West Wing Remodeling Quotes

Mark White presented. Four companies were contacted and ask if they would be interested in submitting a quote for the West Wing Remodel Project. The low quote was from GuyCo, located on Vista Parkway in Avon.

Council member Dorton made a motion to award the contract to GuyCo not to exceed \$33,157.45 which includes "option A" work to be done on the east side of Town Hall property, subject to Town Attorney approval. Council member Austin seconded the motion. Roll call vote called.

C. Dorton - for, N. Gordy - for, M. Rogers - for, B. Austin - for, G. Zusan - for 5-for, 0-against. Motion carried 5-0.

Contract Amendment for DLZ-100 North/Dan Jones Roundabout

Mr. Cannon presented. Over the course of the design several changes to the plans were needed that were outside the control of DLZ. Some of the changes became necessary because of requests by staff, others were necessitated by requests by property owners and still others became necessary because of changes that came about because of the

construction of the new Middle School. Staff recommends the Town Council approve amendment 5 for changes made to the plans and additional work by DLZ on the design of the Roundabout at CR 100 N and Dan Jones Rd. for not to exceed \$17,470.

Council member Austin made a motion to approve amendment 5 for changes made to the plans and additional work by DLZ on the design of the Roundabout at County Road 100 N. and Dan Jones Rd not to exceed \$17,470. Council member Gordy seconded the motion. Roll call vote called.

C. Dorton - for, N. Gordy - for, M. Rogers - for, B. Austin - for, G. Zusan - for 5-for, 0-against. Motion carried 5-0.

Change Order for Street Lights – Unforeseen Condition

Mr. Cannon presented. The contractor encountered an abandoned footing while installing the base of a street light. The footing was removed at a cost of \$1,277. There were no feasible methods for avoiding removal due to existing infrastructure and right-of-way.

Council member Austin made a motion to approve the payment not to exceed \$1,277 for the 2008 Street Light Change Order. Council member Gordy seconded the motion. Roll call vote called.

C. Dorton - for, N. Gordy - for, M. Rogers - for, B. Austin - for, G. Zusan - for 5-for, 0-against. Motion carried 5-0.

Snow Removal Policy

Mr. Cannon presented. Contractor's salt purchase price has increased. Currently, we pay \$72/ton and they are asking it to be increased to \$81/ton. Due to possible shortages in salt supplies, the Town may want to change the sand/salt mixture from 3:1 to 4:1. This will also eliminate the need to pay the increased costs for salt. The Town could also maintain the 3:1 and pay the increased rate for salt. If we switch to 4:1, we will need to have a sweeping contractor on call to remove sand from the streets on a monthly basis. Staff recommends that the Town approve the use of 4:1 sand/salt mix for the 2008-09 winter season subject to the staff having an on call contract with a sweeping company to occasionally sweep up sand in the streets.

Council member Austin made a motion to approve the use of 4:1 sand/salt mix for the winter season subject to staff having an on call contractor for the clean up of the sand/salt on the streets. Council member Dorton seconded the motion. Roll call vote called.

C. Dorton - for, N. Gordy - for, M. Rogers - for, B. Austin - for, G. Zusan - for 5-for, 0-against. Motion carried 5-0.

Ronald Reagan Parkway Paving Specifications Request.

Mr. Rogers noted that he has had discussions with Mr. Klein regarding the corridor and the materials that we used. He has not received feedback from all the County Commissioners; however Ms. Palmer has informed him that she would prefer to have the corridor continue the same standards as Plainfield. Mr. Klein has been in communication with the county engineer and it is their understanding that the original estimate was based on asphalt. Mr. Klein has asked that we send a resolution to the County telling them what materials we would like to see used. Mr. Rogers' desire is for the corridor to be concrete. He requested input from the other Council members. Mr. Klein added that concrete is about \$42 a square yard and asphalt is about \$40 a square yard.

Council member Zusan made a motion to authorize a letter to Hendricks County requesting an alternate bid for Ronald Reagan Parkway paving specifications to finish Washington Township to 200 South in concrete. Council member Austin seconded the motion.

Roll call vote called.

C. Dorton - for, N. Gordy - for, M. Rogers - for, B. Austin - for, G. Zusan - for 5-for, 0-against. Motion carried 5-0.

Ordinance

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

Mr. Klein presented the new salary ordinance.

Council member Austin made a motion to approve Ordinance 2008-29: 2009 Salary and Benefits with the addition of a Code Enforcement Officer with a minimum of \$12 per hour and a maximum of \$15 per hour. Council member Zusan seconded the motion. Roll call vote called.

C. Dorton - for, N. Gordy - for, M. Rogers - for, B. Austin - for, G. Zusan - for 5-for, 0-against. Motion carried 5-0.

Final Adoption: Ordinance 2008-34: Amending the Tax Abatement Provisions of the Town Code

Mr. Klein presented. The Economic Development Commission has recommended that the Tax Abatement provisions of the Town be amended to provide greater flexibility in awarding tax abatements. Currently, the tax abatement provision requires minimum square footages of projects to qualify for certain lengths of tax abatement. The proposed amendments would eliminate this requirement. Mr. Rogers asked Mr. White to discuss the make up of the commission and their responsibilities and the responsibilities of the Redevelopment Commission.

Council member Zusan made a motion to table Ordinance 2008-34: Amending the Tax Abatement provision of the Town Code. Council member Dorton seconded the motion. Roll call vote called.

C. Dorton - for, N. Gordy - for, M. Rogers - for, B. Austin - for, G. Zusan - for 5-for, 0-against. Motion carried 5-0.

Suspension of rules for Final Adoption: Ordinance 2008-35 Authorizing Transfers and Repeals

Ms. Howell presented. Ordinance requires the suspension of the rules in order for final reading at the same meeting as the introduction. This Ordinance needs to be adopted by the end of the year.

Council member Dorton made a motion to suspend the rules for Final Adoption of Ordinance 2008-35 Authorizing Transfers and Repeals. Council member Gordy seconded the motion. Roll call vote called.

C. Dorton - for, N. Gordy - for, M. Rogers - for, B. Austin - for, G. Zusan - for 5-for, 0-against. Motion carried 5-0.

Ordinance 2008-35 Authorizing Transfers and Repeals

Council member Austin made a motion to approve Ordinance 2008-35: Authorizing Transfers and Repeals. Council member Zusan seconded the motion. Roll call vote called.

C. Dorton - for, N. Gordy - for, M. Rogers - for, B. Austin - for, G. Zusan - for 5-for, 0-against. Motion carried 5-0.

Legal Counsel

Pyramid Depositions Update - Council member Zusan made a motion recommending that the Town does not pay Pyramid's share of the arbitration fees. Council member Austin seconded the motion. Roll call vote called.

C. Dorton - for, N. Gordy - for, M. Rogers - for, B. Austin - for, G. Zusan - for
5-for, 0-against. Motion carried 5-0.

Condemnation Case – Kingsway

Mediation went well due to good preparation by Tom Klein and Ryan Cannon. Mr. Taylor noted they deserve our thanks.

Palanca Parcel

The Palanca's have agreed to accept \$150,000 to settle with the Town.

Council member Dorton made a motion to authorize staff to settle and execute a final agreement with the Palanca's for a not to exceed amount of \$150,000 to secure the entire parcel at 100 N and Dan Jones Rd. and to authorize the clerk- treasurer to make the payment. Council member Austin seconded the motion. Roll call vote called.

C. Dorton - for, N. Gordy - for, M. Rogers - for, B. Austin - for, G. Zusan - for
5-for, 0-against. Motion carried 5-0.

Andy Mohr

Mediation Session in January – we will need to select 2 people to attend on behalf of the Town.

Updated Project List was distributed.

Public Comment

None

Other Business

Council Calendar

January 5 – 5:45 – Work Session and Council Meeting

January 22 – Council Meeting

Adjournment

A motion was made to adjourn.