

AVON TOWN COUNCIL MEETING

March 26, 2009

Avon Town Hall Council Chamber

Call to Order was given by Beverley Austin, Council Vice President.

Invocation was led by Dirk Caldwell of Avon United Methodist Church.

Pledge of Allegiance was led by Council Vice President, Beverley Austin.

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.

Proclamation of Arbor Day

Tom Klein presented proclamation proclaiming April 24th as Arbor Day in Avon. This is a special day that is set aside for the planting of trees.

Consent Agenda

1. January 22, 2009 Minutes
2. February 3, 2009 Minutes
3. March 26, 2009 Check Register

Council member Gordy made a motion to approve the Consent Agenda items January 22, 2009 Minutes, February 3, 2009 Minutes, and March 26, 2009 Check Register. Council member Dorton 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. Motion carried 4-0

Public Comment

Barb Bierlein commented on concerns regarding disc golf course and public safety. She previously had sent an email to Council regarding her concerns. She asked that disc golf be suspended until rules are posted.

Council Comment

Council member Rogers talked about the Plan Commission meeting that took place recently.

New Business

Tom Klein requested that an item be added to the agenda (Community Grants).

Council member Dorton made a motion to suspend the rules to add another agenda item. Council member Rogers 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. Motion carried 4-0

A chart was presented showing the 2009 Community Grant Recommendations. Council members Dorton and Rogers are on the committee, Mr. Klein deferred to them. The committee would like to tighten the applications more and make sure nothing was missed. The grants have been qualified. These are all for public events.

Council member Gordy made a motion to approve the Community Grants as recommended by the Committee. Dorton 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. Motion carried 4-0

Authorization to Apply for a Grant to Fund Hiring of New Police Officers

Tom Klein presented Council with a copy of the original analysis that was completed. This is a federal grant; deadline is April 16, 2009. It is 100% reimbursement for entry-level salary and benefits for newly-hired, full-time sworn officer positions. Grantees must retain all sworn officer positions for a period of one year. Total Town responsibility would be \$4,830.89 because the officer would be a second year patrolman; not entry-level. Today they are just asking for authorization to proceed; not requesting participation at this time. When looking at the growth of Avon maintaining the safety of the Town is not going to happen unless more officers are added. This is a four year plan; this gives them four years to find a way to rework the tools that they have to make it happen.

Mr. Rogers stated that according to members they believe it is going to be a painful experience. Later this year when they get into discussing benefits, healthcare, and total costs they are going to find that their revenue is not growing. Therefore, he is concerned about being able to afford the additions. The general fund is where the salaries come out of and it is not growing. Council member Dorton made a motion to give Staff permission to proceed with the application for a grant to fund hiring of new police officers. Council member Rogers 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. Motion carried 4-0

Ordinance

Final Reading: Ordinance 2009-06: Stop Sign, Speed and Traffic Signal Ordinance

Tom Klein and Ryan Cannon presented. One thing that was requested was to bring back the ordinance with a speed review plan. A spreadsheet was presented in the packets. Council member Gordy made a motion to approve Ordinance 2009-0006: Stop Sign, Speed and Traffic Signal Ordinance. Council member Dorton 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. Motion carried 4-0

Final Reading: Ordinance 2009-01: Roundabout Enforcement Zone Ordinance

Tom Klein presented. At the last meeting it was requested that they get back with the engineer. A letter from DLZ and an email was presented in the packets.

The following items were discussed:

- Reasons for going back to the engineer
- Speed limits
- Design
- All roundabouts
- Signaling
- Newsletter
- Ordinance language
- Traffic accidents
 - Quantity
 - Cause

- Cost to do study to address speed in all of the community roundabouts
- Fastest average speed
- Driver education programs
- Public education
- Sidewalks
- Neighboring concerns
- Traffic signs – “children at play”
- Area evaluation
- Email from Mr. Cannon

Council member Gordy made a motion to approve Ordinance 2009-01: Roundabout Enforcement Zone Ordinance with the following changes:

- Section 8-210 A: Definitions: Remove (4) Roundabout Speed Zone.
- Section 8-210 D: change to: Failure to Use Appropriate Signal to Exit from Roundabout, Penalty.
- Under Section 8-210 D (A) change to read: A person commits the offense of failure to use an appropriate signal to exit from a roundabout if the person does not make the appropriate signal by use of signal lamps or hand signals and the person is operating a vehicle that is:
- Under Section 8-210 D (A) change to read: A person commits the offense of failure to use an appropriate signal to exit from a roundabout if the person does not make the appropriate signal by use of signal lamps or hand signals and the person is operating a vehicle that is: remove (1), (2) and (3) stay the same.
- Remove Section 8-210 J: Roundabout Speed Zone.

Council member Dorton seconded the motion. Roll call vote was taken.

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

3-for, 1-against. Motion carried 3-1

Ordinance 2009-09: To Apply the Agricultural Overlay District Zoning to Certain Real Estate Annexed in to the Town of Avon

Tom Klein presented. This Ordinance establishes agricultural overlay zoning districts for agricultural properties to be eligible for abatement from the Town's property tax. Plan Commission recommends a favorable vote. The following was discussed:

- Date ordinance is taking affect.
- Looking at different processes due to overlay
- Plan Commission discussions
- Training

Council member Rogers made a motion to approve Ordinance 2009-09 an Ordinance of the Town of Avon to Apply the Agricultural Overlay District Zoning to Certain Real Estate Annexed in to the Town of Avon that has been identified in this document. Council member Dorton 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. Motion carried 4-0

Legal Counsel Report

Dan Taylor presented. Distributed updated legal project list dated March 26, 2009. The following items were discussed:

- Mediation date for Pyramid is May 5, 2009.
- Andy Mohr Toyota - received the right of way documents that we have been waiting on; however, there are some revisions being made.
- Items 5 – 8: These are enforcement cases that Staff is pursuing under the authority they have been given. These on long standing matters.
- Political signs – Will need to amend ordinance per Mr. Taylor legal advice.
- Items 16 – 18: (Utility cases) Not a lot of activity – currently in the discovery phase. Should be presenting some facts soon.
- Item 21: Risk Management training was completed on March 16, 2009. Mr. Taylor felt it was a very productive training. Feels Council should consider placing more attention on this area.
- Item 26: They are working on making chapter 19 zoning ordinance draft. Hope to be presenting for approval soon.

Public Comment

Barb Bierlein came forward requesting information regarding the roundabout at Dan Jones and 100 North. She feels there should be consistency with the roundabouts.

Council Calendar

03/30/09 – Legislative breakfast

04/09/09 – Next meeting stimulus funding YMCA meeting 4:00

Adjournment

A motion was made to adjourn.