

Avon Town Council Meeting
May 14, 2009
Avon Town Council Chamber

Call to Order was given by Council President Greg Zusan

Invocation was led by Doug Helmer-Harvest Bible Church

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

Police Department Awards – Officer Wittl Outstanding Commendation

Officer Wittl was given a commendation for solving theft case involving stolen property from the Meijer's in Avon.

Proclamation

The Avon High School World Guard earned the title of 2009 World Class World Champions at the Winter Guard International World Championships. They will be honored at the Spring Band Award program on Friday, May 21. That day will be proclaimed a day of recognition and honor by the Town of Avon.

Consent Agenda

Council member Austin motioned to approve the consent agenda of February 26, 2009 Minutes, March 12, 2009 Minutes, April 30, 2009 Check Register, Introduction Ordinance 2009-12: Authorizing the Clerk Treasurer to Make Claim Payments for Fuel Motion seconded by Charlie Dorton. Roll call vote was taken.

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

Public Comment

Steve Eisenbarth-Pines of Avon, commented about CIRT A- a bus service from Hendricks County to the Indianapolis downtown area. Proposal is for the pickup point to be at Beechwood Center (parking lot- in front of Gerdt Furniture Store that is out of business). Service would run only on weekdays – pickup time 6:00 a.m. to 9:00 a.m. and drop off from 4:15 p.m. to 7:15 p.m. Bus would make stops at 7 points in downtown Indianapolis. Approximate one-way cost per rider is \$3-\$4. Service would be “express” service-no other stops on way to downtown. Approximate yearly cost is \$409,000-federal funding grant is available that will cover 80% of this cost. The balance of 20% could come from Avon, Brownsburg, Danville, Plainfield and Hendricks County.

Council Comment

Council member Rogers presented a plan to revise the number of town wards to 5 which will reduce the need for special elections in a non-election year.

Council member Gordy commented on CERTA and stated that the County Council has passed a resolution. She would like a copy of the resolution by the next meeting so that the Town Council can review it and can do something similar.

“Relay for Life” was very successful-thanks to all that were involved. Thanks also to Council members Beverley Austin, Nikki Gordy, and Charlie Dorton for their hard work.

H1N1 Flu Update

Jennifer Hill from the Hendricks County Health Department presented. Pandemic equals a worldwide epidemic-three things must happen: novel (new) disease agent, must cause severe disease in humans, must be easily transmitted person to person.

National public health emergency has been declared. The current outbreak viruses that are included are: North American swine strain, European swine strain, Avian strain, and Human strain.

Symptoms: incubation 2-7 days, fever, cough, sore throat, headache, body aches, some vomiting/diarrhea. Transmission: person-to-person, respiratory droplet or hand contact to eyes/nose/mouth, not transmitted by contact with pigs or eating pork. Communicability: Usually 1-2 days prior to symptoms until symptoms cease, Vaccine availability: none, Antiviral: Susceptible to Tami flu, Relenza, Resistant to amantidanes.

There are 70 confirmed cases in Indiana, 1 in Hendricks County. Employers should work with employees that do not have paid time off because the Health Department strongly recommends that the infected person should not return to school or work for seven days in addition to being symptom free for 24 hours.

Prevention is through good hygiene practices: wash hands well and often, use respiratory etiquette, avoid touching eyes, nose, and mouth, stay home if you are sick and encourage others to do so.

Water Conservation Presentation

Jo Lynn Garing, Indianapolis Water Company

Indianapolis Water serves nearly 1 million people in 8 counties. 77% of treated water comes from surface sources and 68 groundwater wells supplement surface water sources. The peak in consumption is during the summer months because of outdoor use which include watering lawns and swimming pools.

Wise Water Use Policy approved by Board of Directors in April 2008 provides guidelines for customer water use during normal conditions-voluntarily following an odd/even outdoor water use schedule. Water Use Advisory is declared when decreased supplies in either Geist or Morse reservoirs or other circumstances have reduced the amount of treated water available to customers. Customers are asked to voluntarily reduce water use on those days.

Mandatory Conservation Warning issued when levels in either Morse or Geist reservoirs are reduced to less than their designed drawdown curves or 50 percent or more of their annual drawdown design capacities. Groundwater wells are not functioning properly due to reduced groundwater levels or other circumstances that reduce the amount of treated water available to customers.

Warning prohibits: watering grass, washing vehicles or equipment unless required by applicable local, state or federal law health or safety reasons, cleaning outdoor surfaces, filling empty swimming pools, installation of new landscaping or sod, using hydrants except for fire suppression, operating non-recycling water fountains.

Emergency Mandatory Conservation: Water levels on Geist and Morse reduced by 75% or more of annual drawdown design capacities. Prohibits items as in warning-but allows for vegetable gardens to be watered by container or hand-held hose with shut off nozzle every other day.

Hendricks County Water Conservation Ordinance is needed to establish reliable water supply during time of drought due to the growth in the county and high water usage in the summer months. This is also needed to provide water for fire protection. Enforcements options include fines for customers who violate ordinance based on number of offenses. Enforcement provided by county's designee: employees with code enforcement powers. Exceptions to consider: Limitations (not mandatory no water) for nurseries, commercial car washes and golf courses

Reports

Departmental reports included in packet. No additional questions asked.

Old Business

None

New Business

Utility Engineer Recommendation-Council authorized the staff to do a RFQ for these services. Committee interviewed five firms and is recommending Banning Engineering be selected to provide utility engineering consulting as it relates to Water, Sewer and Storm Water Utilities. Staff will work with Banning Engineering on a contract and bring it before the Town Council at a later date. Motion made by Council member Austin to approve the selection of Banning Engineering to assist town in matters involving water, sewer, and storm water utilities. Motion was seconded by Council member Gordy. Roll call vote was taken.

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

WWII Memorial Presentation- Paul Morton, Ralph Parks, Michael Rogers, Jennifer Turner were present and part of WWII Committee. The WWII Memorial Committee is recommending that a World War II Memorial Park be established on Town property at the northwest corner of Dan Jones and 100 South. The WWII Memorial Park would be the only park in Hendricks County solely dedicated to honor the men and women that served America in WWII. The Park would consist of a central memorial plaza with a statue of a soldier in the center of the plaza. The plaza would have flags for each of the Services. The Park would have a walking path and landscaped areas throughout. The entrance would be from the Pine Tree Elementary School eastern drive. The Park would have an educational component consisting of display panels throughout the Park highlighting key events of WWII.

The Committee recommends that Banning Engineering be hired for \$2300 by the Town to develop a phasing plan with cost estimates. The Committee would present the cost estimates to the Town Council at a future meeting in order for the Council to determine the level of support from the Town for construction. After presenting the cost estimates for the phases, there will be additional engineering work required to finalize construction specifications. The estimated cost is \$8,450.

Committee would initiate a fund raising campaign to assist with construction. The Avon Parks Foundation will be used to accept tax deductible donations. The Food and Beverage Tax Fund could be used for this project. The Parks Contribution Fund could also be used to assist in the design or construction.

Council member Dorton made motion to give WWII Committee permission to hire Banning Engineering to develop a phasing plan with the cost estimates for \$2300 and to do the additional engineering work required to finalize construction specifications for amount not to exceed \$8450. This motion was seconded by Council member Austin. Roll call vote was taken.

C. Dorton-for, N. Gordy-for, B. Austin-for, G. Zusan-for, M. Rogers-abstain
Motion was passed 4-0-1.

Request to Close RRP, north of 200 North for B&O Trail Run/Walk

The B&O Trail Association is organizing a 5/10k run/walk event for September 12 that would involve the closure of Ronald Reagan Parkway from 200 N to 300 N, 300 N

eastbound lane, 200 N both directions, Raceway Road southbound lane, and Shiloh Road both directions. The County Commissioners have approved the closures of their portions of the roads. Our portion includes the Parkway from 200 N to the township line and a portion of CR 200N. Motion made by Council member Gordy to approve closure of Ronald Reagan Parkway from 200N to township line and a portion of CR 200N. Motion was seconded by Council member Austin. Roll call vote was taken.

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

Approving Construction Inspection Contract for US 36 and Dan Jones Road.

Ryan Cannon presented. At the last Council meeting the Town Council approved the selection of CrossRoad Engineers to perform Construction Inspection for this project. The proposed contract is based on an estimate of the amount of time the construction will take. A motion was made by Council member Gordy to approve the contract with CrossRoad Engineers, not to exceed \$136,565.42 to complete construction inspection services for the US 36 and Dan Jones Road project. Council member Dorton seconded the motion. Roll call vote was taken.

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

Approving 2009 Maintenance Improvement Plan

Ryan Cannon-Preventative Maintenance goal to keep our good roads good and fix our worst roads with what funds are remaining. The goal is to extend the life of the roads. The 5 year plan was updated in 2008. This will be year 2 in our 5 year plan. The staff has been working with the Schneider Corporation to review and revise our plans for 2009. Motion made by Council member Austin to approve the 2009 Maintenance Improvement Plan and authorize staff to proceed with bidding out the 2009 road projects as proposed. Seconded by Council member Gordy. Roll call vote.

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

Awarding Bid for North Parking Lot Construction – Staff recommends the Town Council accept the low bid from JDH Contractors for not to exceed \$113,972.10. Motion made by Council member Rogers, seconded by Council member Dorton. Roll call vote.

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

Authorizing ROW Payment to Avon Community School Corporation – Avon Schools has accepted Right of Way offer for the 200 South/Dan Jones Project. The amount is \$20,635. Staff proposes to use GO! Avon Bond funds to pay for the acquisition. This is the last parcel needed for approval to get the ROW certification. Motion made by Council member Austin to authorize the Clerk Treasurer to make payment to the Avon Community School Corporation for \$20,635 for the ROW needed for the CR 200S and Dan Jones Road Project. Seconded by Council member Dorton. Roll call vote.

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

Repairing Town Hall Park Barn – The Town Hall Park Barn has structural and safety issues that need to be addressed. Updated estimates need to be obtained to make final determinations on whether to tear down structure or repair. A motion was made by Council member Dorton and seconded by Council member Austin to raze the barn but the motion was rescinded and the matter tabled for further discussion at a later date. A motion was made by Council member Dorton to have public opinion survey question

regarding the future of the barn on the website for 7 days. Motion was seconded by Council member Austin. Roll call vote.

C. Dorton-for, N. Gordy-for, B. Austin-for, G. Zusan-for, M. Rogers-for
This motion was approved 5-0.

Resolution 2009-05 – Interest of Purchase of Real Estate and Authorization to Seek Appraisals. Motion was made by Council member Austin to authorize staff to proceed with a survey and two appraisals of the Firkins property excluding the home and the area surrounding the home and pursue a purchase agreement for the property excluding the home for a value not to exceed \$10,000 per acre. Motion seconded by Council member Gordy. Roll call vote.

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

Resolution 2009-06 – Appointing Ryan Cannon as Employee of Responsible Charge for Federal Aid Projects. Per INDOT Local Public Agency Manual states that the LPA must designate an employee in responsible charge. Whereas, the employee in responsible charge must attend LPA Project Development Training prior to the time the LPA is approved for federal funds and a minimum of once every two years while the LPA has an active project. The employee in responsible charge will be responsible for and capable of making financial and managerial decisions that affect the project. A motion was made by Council member Dorton to designate Ryan Cannon as the Town of Avon's Employee in Responsible Charge for the Town of Avon federal aid projects. Motion was seconded by Council member Gordy. Roll call vote.

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

Resolution 2009-07 – Ratifying Commitment of Town to Construct Certain Improvements – Motion made by Council member Dorton for the Town Council to ratify the commitment of the Town to construct improvements as indicated in the letter dated May 7, 2009 sent by Mr. Cannon to Mr. Parsons and Mrs. Cunningham. The motion was seconded by Council member Gordy. Roll call vote.

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

Resolution 2009-08 – Settlement Agreement for Pyramid Case – Pending Litigation Relating to Construction of Police Station and Town Court Facility. Parties participated in mediation of their claims on May 5, 2009 and reached a proposed settlement of their dispute. The Town Council believes it is in the best interests of the Town to resolve the litigation under the proposed settlement terms, without proceeding to an arbitration hearing. Motion made by Council member Gordy to approve settlement agreement and Greg Zusan is hereby authorized to execute the proposed settlement agreement on behalf of the Town and to execute all documents and to take any other action necessary to effectuate the settlement and resolution of the litigation. Motion seconded by Council member Rogers.

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

Legal Counsel Report

Council member Rogers made a motion to authorize the clerk-treasurer to make payment to Pyramid after the Town receives their payment. Motion was seconded by Council member Gordy. Roll call vote was taken.

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

Motion carried 5-0.

Thanks were expressed to Pat Laughlin for all of his work on the Redevelopment Commission and the Pyramid case.

Public Comment

None

Council Calendar

May 26th – Groundbreaking at Sycamore parking lot at 6:30

May 28th – Next Town Council Meeting

June 9th - CONA Cookout 6:00 p.m.