

AVON TOWN COUNCIL MEETING

March 24, 2011

7:00pm

Avon Town Council Chamber
6570 E US Hwy 36, Avon, Indiana

Call to Order was given by Council President Michael Rogers.

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

Consent Agenda

Council member Austin made a motion to adopt the consent agenda as presented. The consent agenda included the following:

- 02-10-11 Council Meeting Minutes
- 02-24-11 Council Executive Session
- 03- 24-11 Check Register

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

D. Jackson-for, G. Zusan-abstain, N. Gordy-for, B. Austin-for, M. Rogers-for
4-for, 0-against, 1-abstain. Motion carried.

Public Comment

There was no one coming forward from the public to comment.

Council Comment

Council member Zusan met with Pat Donovan, a resident of Avon Woods, about a drainage issue. He requested that she be responded to in writing from either the town manager or public works director. He also got a call about the town's 457 plan, and said Mr. Klein indicated we would be looking at that in the spring or summer. Council member Zusan also asked if a meeting had been set up with the township trustee to start potential dialog about government consolidation. He commented if not, he thought it was time to move ahead with it.

Council member Jackson commented, that when he was on the Council previously; the town purchased some software that enabled the financial records from the Clerk-Treasurer to be converted to a format that you would read in excel. Council member Jackson used that software in the past to look at tables and build reports using excel. This is the kind of work he does in his professional career. The town still owns that software, and he has inquired from Tom about access to the software, there were discussions with the Clerk-Treasurer and differences of opinion around the use of the software, who should be using it and that type of thing. Council member Jackson wanted to share with Council and let them know he was interested in doing that; and felt like it is a skill set that he has; an interest he has in terms of looking at data, and doing analysis and getting ready for budgeting. He has been away for four years and it is interesting how things have changed; with the trending of our budgets and that type of thing. If the software was available on a computer he could do that same function.

Council President Rogers suggested that Council member Jackson draft a request to the council. Council President Rogers commented that even though the Clerk-Treasurer occupies the same building, she is completely separate from the council. The Clerk-Treasurer has certain requirements by law. If you have a specific request, submit it to me, so I can go over it with the town manager and also the legal staff to make sure he is okay with it. We can then sit down with

our Clerk-Treasurer and the feedback. Council President Rogers believes this to be the proper process.

Resolution

Resolution 2011-07: HRH-YMCA Agreement

Mr. Klein presented. This is the next step in the agreement with the YMCA. The Council previously adopted a memorandum of understanding (MOU) that outlined parameters with Hendricks Regional Health/YMCA to establish a park at the property as well as, other benefits to Avon residents and the YMCA. The memorandum of understanding outlines the parameters and the agreement, essentially takes the items from the MOU and puts them in the agreement. One piece of note; if Council decides a payment cannot be made within a certain year that payment can be delayed until the end of the term. There is also language that the lease for the park is still 15 years, and that it is to be used as a public park.

Council President Rogers commented that this has been an ongoing process working with the YMCA, their staff, their board, and their legal counsel. He expressed his appreciation for everyone working diligently to bring the Y into Avon. It's something we can all take pride in. We have a document here, that finalizes are agreement.

Mr. Taylor commented that the Council has been working on this since 2008. There has been a lot of drafting, and a lot of give and take. This is the final step. Mr. Taylor appreciates on behalf of the Town, the hard work, I think what we are left with is our best effort. It gives the YMCA the assurances they need, it creates new park land for the community, and it provides a great recreational facility in the YMCA. Mr. Taylor is happy with the terms.

Council member Zusan commented that he signed this agreement and has worked with Mary Beth and John Sparzo, from the hospital. This is the best thing for Avon. Anytime you are dealing with Denny Dawes and Hendricks Regional Health, you are dealing with top notch people. We could not have gotten into a better partnership, than the hospital and the YMCA. Hats off to everybody!

Council member Jackson reiterated Council member Zusan's comments. He then commented that the "Y" has been through many chapters of this ordeal. He stated we're finally getting there; we came very close to having an opening. He certainly appreciates the resilience of the YMCA staff for weathering the storm for all the years trying to find a location, and find location, and find a location.

Council member Gordy made a motion to approve Resolution 2011-07: HRH-YMCA Agreement. Motion was seconded by Council member Austin.

Roll call vote was taken.

D. Jackson-for, G. Zusan-abstain, N. Gordy-for, B. Austin-for, M. Rogers-for
4-for, 0-against, 1-abstain

Council member Zusan explained that he abstained from vote because as of the first of this month he is a board member of the YMCA.

Mr. Pete Cleveland spoke on behalf of the YMCA of Greater Indianapolis and HRH, and they are thrilled to have you as a partner, and appreciate the trust you have put in us, to deliver a product out there. We think we will deliver a pretty good one. We think we have a pretty capable executive director that will be running the show. We look forward to seeing everyone out there this summer. Everything seems to be coming together. Thanks for all your hard work Dan, Tom, and everyone on the board. Execution copies will be delivered shortly.

Ordinance

Final Adoption: Ordinance 2011- 04: Amending Section 2, Article 5 of the Town Code Establishing the Membership of the Board of Zoning Appeals (BZA Alternate)

Mr. Taylor explained that this ordinance was offered by the planning staff to clean up some items for the BZA (Board of Zoning Appeals) section of the Town Code. This is final reading of the ordinance. It clarifies who would appoint the alternates; section 2-41 makes it clear that the appointing authorities each appoint an alternate. On the BZA there are three appointing authorities, the Town Council President, the Town Council, and the Plan Commission. Rather than having the Town Council, appoint these alternates, all appointing authorities have the ability to appoint an alternate member. The alternate member would only serve if there was an absence by the person appointed by that authority. An alternate member can serve once a calendar year. This was designed to make sure, that an alternate be truly an alternate. In section 2-45 there are changes that clarify that an alternate member counts toward the quorum.

Council member Jackson asked Mr. Taylor if the way he was describingwould logistically it be possible to have one meeting in a calendar year where every person would be covered by an alternate?

Mr. Taylor responded that if there were three alternates, and two regular members; five people in attendance; under the other construction; there would be five people present and still not have a quorum. It was not understood why you would want to have a rule like that.

Mr. Taylor explained that most alternates you could have at a meeting would be three.

Motion to adopt Ordinance 2011-04 was made by Council member Jackson. Council member Gordy seconded the motion. Roll call vote was taken.

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

Introduction, Suspension of Rules and Final Adoption: Ordinance 2011-10 Appropriating Infrastructure Contributions

Council President Rogers introduced Ordinance 2011-10.

Council member Austin suspended the rules for final adoption of Ordinance 2011-10. Council member Jackson seconded the motion. Roll call vote:

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

Council member Zusan made the motion to approve Ordinance 2011-10: Appropriating Infrastructure Contributions. Motion seconded by Council member Gordy. Roll call vote:

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

New Business

Council President Rogers received request from Public Works to add Authorization to Purchase Salt through the state bidding process to the March 24th agenda.

Motion to suspend the rules and add agenda item was made by Council member Gordy. Motion was seconded by Council member Zusan. Roll call vote:

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

Beechwood Center Drainage Study Report

Scott Dompke with GRW presented. Scope of investigation was Beechwood and Cobblestone. The identified problem is that Cobblestone and Beechwood detention ponds greatly exceed detention requirements. As the Cobblestone pond raises up to a high level it actually jumps the

watershed boundary and enters into the Beechwood system overloading it. Because the pipes from the ponds are smaller than they could be; it takes an excessive time to drain the ponds. Solution could be bigger pipes, emergency overflow, Cobblestone Beechwood berm, involving county and INDOT, and looking downstream.

Council members discussed the location of the berm, working with school, and size of pipes. Mr. Cannon discussed possible disruption to homeowners because of fences in the easements. The fences may be impacted. A day care has built a terrace and a porch out in the easement, which will have to be removed and not necessarily put back at the town or the county's expense. Mr. Dompke commented that it did appear that the one building is vacant right now. Discussion was held on fences in easements and the problems for property owners and municipalities when dealing with drainage issues.

Motion was made by Council member Zusan to proceed with GRW to come up with a scope and estimate to correct the problem. Council member Gordy seconded the motion.

Roll call vote:

D. Jackson-for, G. Zusan-for, N. Gordy-for, B. Austin-for, M. Rogers-against
4-for, 1-against. Motion carried.

Authorization for Clerk-Treasurer to Pay for Right of Way Purchase

Mr. Cannon presented. Town Council has previously authorized the purchase of right of way for CR200N and Dan Jones Road project.

Council member Zusan made a motion to authorize the Clerk-Treasurer to pay right of way expenses that were approved at a prior meeting. Motion was seconded by Council member Gordy. Roll call vote was taken.

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

GIS Contract for Web Site Hosting and Map Updates

Schneider maintains, updates and hosts our GIS system. GIS system is real time information; which means it needs to be continually updated. It should be online in a few weeks and available to the public on the town's website. Schneider has requested that the hosting portion of the contract automatically renew each year unless either party terminates.

Mr. Taylor requested under the authorization to proceed the professional services agreement be changed to the Town of Avon and also recommended removing the automatic renewal of the hosting and maintenance services.

Council member Austin made a motion to approve the agreement with the Schneider Corporation for an amount not to exceed \$21,720 with a change, in the fixed fee information, to be bill maintenance quarterly; and to remove automatic renewal on page 2 of the authorization to proceed. Council member Gordy seconded the motion. Roll call vote was taken.

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

Emergency Vehicles Preemption Agreement

The Town was required to sign a contract with INDOT in order to install the Emergency Vehicle Preemption on the signal at US 36 and Dan Jones Road. The reason an agreement is required is because INDOT does not want to be responsible for the installation and maintenance of the opticom on their signals. The Town applied for a grant to add 11 signals along US 36 and 3 other signals throughout the Town of Avon to install this technology on all traffic signals. HRH and the YMCA have received approval for a new signal at US 36 and Satori Parkway.

Forms are being filled out by the Public Works Department to add the locations of the emergency vehicle locations for INDOT (Exhibit B). Staff is requesting approval of the amendment to the contract with INDOT for these devices.

Council members discussed type of system used for preemption, cost for maintenance, and additional locations for installation of devices.

Council member Gordy made a motion to approve the amendment to the contract with INDOT for the installation of Emergency Vehicle Preemption subject to approval by the town attorney.

Council member Jackson seconded the motion. Roll call vote:

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

Mr. Cannon questioned whether Council wanted him to add the light at 100 S and 267.

Council consensus was to add 100S and 267 intersection for the emergency vehicle preemption.

Street Sweeping Quotes

Mr. Cannon reviewed quotes from EnviroSweep (29,500 with town disposing debris) and Advance Sweeping (17,000). This would be for two sweeping cycles; one in the spring and one in the fall.

Motion was made by Council member Zusan to approve the 2011 Street Sweeping to Advance Sweeping Services for \$17,000. Motion was seconded by Council member Austin. Roll call vote was taken.

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

Roundabout Maintenance Quotes

Mr. Cannon explained the roundabout maintenance program. Program includes mowing, chemical application, landscaping, and irrigation at the three existing roundabouts. Contract for the project will be for three years. Seven companies were contacted. Four submitted proposals including Franco, Vibrant, Holzknicht, and Allen & Scott. Staff recommended Franco Landscaping since they were the low bid. Funding for this project will be taken from MVH.

Council member Jackson made the motion to award the roundabout maintenance project to Franco Landscaping in the amount of \$10,813.50. Motion seconded by Council member Zusan. Roll call vote was taken.

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

Community Enrichment Grant Committee Recommendation

Mr. Klein presented. The grant committee consisted of Dave Jackson, Nikki Gordy, and Sara Hubbard who met and interviewed the applicants. Spreadsheet was provided to Council with committee recommendations. The total amount of grants budgeted is \$32,500 and the committee is recommending the full amount be awarded.

Council member Jackson explained to Council that they heard from all the applicants; at the end of the presentations the three of us talked and bantered about different ideas and reached consensus to get to these numbers. It was definitely a consensus type of situation for the three of them.

Council member Gordy commented that the requested amount was 15k more than what we had to offer. It was hard to get it narrowed down to a point; we came to a consensus about it. There are some really cool programs that are going on out there.

Council member Gordy made a motion to approve the grants as presented. Council member Jackson seconded.

Council President Rogers thanked the grant committee for their participation.

Roll call vote:

D. Jackson-for, G. Zusan-for, N. Gordy-for, B. Austin-abstain, M. Rogers-for
4-for, 0-against, 1-abstain. Motion carried.

Council member Jackson commented that the situation with the Avon Band and the Rose Bowl is unique. Typically a band will apply to participate in the Rose Bowl Parade and must get approval. The school uses this time to raise money. The Avon Band was invited based on their success at nationals. Because of that, they have a very short window of time, to raise money. They are trying to raise money for the band to go on this trip. Council member Jackson commented that he knows the rules talk about events being held in the Town of Avon, but basically sending a couple hundred of our ambassadors out to a major national event, represents the town in a very positive way.

Council member Gordy commented that we want to give them money to help them grow that money and they can use it to do additional fundraising. Their recommendation would be 5-10k as a one-time grant/donation out of EDIT. Mr. Klein did speak to Mr. Sparzo and asked if the town did give that amount what would the town get in return. Mr. Klein is waiting for reply from Mr. Sparzo on planned events/fundraisers.

Council also discussed cost of sending entire band and fundraisers.

Appointment to Redevelopment Commission

Council member Zusan made a motion to appoint Aaron Tevebaugh to replace him on the Redevelopment Commission. Motion was seconded by Council member Austin. Roll call vote: D. Jackson-against, G. Zusan-for, N. Gordy-for, B. Austin-for, M. Rogers-for
4-for, 1-against. Motion carried.

Appointment of Council Member to Hendricks County Dispatch Board

Council member Gordy made a motion to appoint Greg Zusan as the Council's appointment to the Hendricks County Dispatch Board. Council member Jackson seconded the motion. Roll call vote:

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

Appointment of Council Member Liaison to WCCD

Council member Austin made a motion that Council member Zusan be the liaison to WCCD. Motion seconded by Council member Gordy. Roll call vote:

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

Authorization to Purchase Salt Through State Bidding Process

Mr. Cannon presented. Increase in the price of salt caused the need for state bidding. Some of the smaller municipalities were having difficulty purchasing. The state carried the load for bidding. The Town is required to submit the tonnage to be part of the purchase. All of those in the Crawfordsville district will be bid to one company. The thought is, the bigger the quantity, the cheaper the price you get. Staff feels like it has been a great success as part of this. When the contract was changed a couple of years ago so that we were buying our own material; the savings was about \$30 a ton; just buying 1000 tons there was a savings of about \$30,000 a year. It has been a significant savings to be able to do this. Without building the salt barn we would not have been able to store these materials. The decisions we have made in the past are showing it is a benefit to the community as well. Mr. Cannon recommended trying to eliminate more of the sand from the town's mix. Last year we reduced our sand by one third. This year we put

down more than 2700 tons of material as part of snow removal project this year. Over the last 10 years on average used approximately 1500 tons per season. This year we almost doubled that output. The salt barn holds 3000 tons of material. We pretty much used everything in there and then some. The lean to shed held 150 tons spilling out the door. At this time we have about 600 tons in the barn. Mr. Cannon recommends purchasing 1200 tons of salt and 1200 tons of sand. Council member Zusan asked without the salt barn how would the town have reacted to the ice storms and snow? Was there a savings to the community?

Mr. Cannon responded during the ice storm they put down 600 tons of material over 2-3 day span. Mr. Cannon agreed that with the old shed; they would have been out of material the first day. There would have been no way...

Council member Jackson commented that we had plans for a salt barn.

Discussion continued between Council member Zusan and Council member Jackson about the Public Works Facility.

Council member Zusan made motion to approve the purchase of 1200 tons of salt. Council President Rogers seconded the motion. Roll call vote was taken.

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

Public Comment

No one from the public came forward to comment.

Adjournment