

AVON TOWN COUNCIL MEETING

November 1, 2018

7:00pm

Avon Town Hall

6570 E US Hwy 36, Avon, Indiana

Call to Order was made by Council President Aaron Tevebaugh.

Roll Call was taken by Clerk-Treasurer, Sharon Howell. Council members present were Marcus Turner, Steve Eisenbarth, Aaron Tevebaugh, Bev Stafford and Greg Zusan. Tom Klein, Town Manager and Dan Taylor, Town Attorney, were also present.

Consent Agenda

10/25/18 Check Register

10/11/18 Minutes

Council member Turner made a motion to approve the Consent Agenda as presented. Council member Stafford seconded the motion.

M. Turner-for, S. Eisenbarth-for, A. Tevebaugh-for, B. Stafford-for, G. Zusan-for
5-for, 0-against, Motion carried 5-0.

Public Comment

Brenda Riley, 7612 Cabinetmaker Court, Plainfield commented on the PUD Proposal and the traffic study. Ms. Riley stated if approved, this proposed PUD will be the third largest subdivision in Avon with just under 300 homes and yet to be defined commercial property. There will be an entrance on Dan Jones Road which is a two-lane hilly road with no shoulders and bad site lines. The speed limit is 40 MPH. One of the requirements for the PUD was a traffic study which was completed and submitted. The Indiana Department of Transportation published a guide in 2015 on how to conduct a traffic impact study. The traffic done in April on this PUD did not include 24-hour traffic counts, nor any historical data or crash data from previous years. If it had, more than likely shown a higher growth percent than 2% based on historical data. It would have shown crash data which she was able to obtain rather quickly. It should have included counts when the high school dismisses. She questioned the thoroughness and the completeness of the traffic study. Ms. Riley asked, If INDOT is not a good guide, why did the Avon Town Planner then working for the Town of Fishers consider it worth her time to serve on an advisory committee for that very guide. She also commented that 147 signatures were received requesting a new traffic study for the proposed development. A response had not been received since submitting that petition over a month ago. Jeanine Fidler, 6894 Merritt Ridge Way, Avon spoke about the Fairwood PUD and the distance between the homes. She looked on google maps and measured between her own home and the mailbox and three other homes. Between her home and the neighbor to the east there is 19.61 feet. If you have a vehicle that is 18 feet long that leaves you with 1.61 feet for the mail delivery carriers to get in and maneuver their vehicle. Also, the house to the east of her is 31.9 feet which is 28.3 feet from the box to their driveway. Another home down the road from her is 22.48 feet, this leaves 4.4 feet for mail carriers. She stated this is not fair to the mail carriers. She also stated it is dangerous for the school buses. She asked this be considered prior to voting on the PUD. Craig Johnson, 7702 Woodmaker Ct., represented the Williamsburg in the Woods HOA and stated they are against the Fairwood Development. He stated there will be many attending the next meeting and asked for consideration of fire code safety and commented that a different venue may be necessary. Mr. Johnson spoke about PUD's and zoning and stated we have had errors and omissions. He added that recordings of the meetings are missing important pieces and said this is

like Watergate. He believes the Town of Avon needs to do better and have a better long-term plan for the community.

Robert Riley, 7612 Cabinmaker Court, Plainfield stated the Plan Commission has yet to produce an approved legal record for the proposed Fairwood PUD for the public hearing that was held on September 24th. The town was unable to provide an audio recording of that meeting. Therefore, a court stenographer was the only transcript record provided. Upon request of this record, it is riddled with errors and inconsistencies and inaccuracies. Nearly an hour of deliberations of the public session is missing. Those deliberations included important conversations between the plan commission panel, the town attorney and the petitioner. Topics on community concerns regarding increased traffic and public safety, questions to the town attorney and legal advice provided to the plan commission, regarding the decisions and their options in making those decisions, as well as the Fairwood PUD and commitments were discussed during that missing hour. Mr. Riley, requested that Council postpone or at least delay the introduction until a complete record is available to review.

Council Comment/Liaison Reports

Council members provided information on meetings each had attended since the last Town Council meeting and noted upcoming events.

Council member Eisenbarth stated he does not believe we need a moratorium on housing. He does not believe that is the best way to go. He stated we need to go forward and be sure we are asking the right questions and be diligent in question answering.

Council member Stafford shared information about housing and employment in Indiana. She stated that there are 2,800 job openings in Plainfield that they cannot fill. Ms. Stafford added we have a situation where we need people and people need homes. She provided information from MIBOR and asked Council to pay attention to the last page in regard to the part Avon plays in the region as a whole and the people shortage. Council member Stafford commented that it was unfortunate that part of the Plan Commission meeting was not recorded but noted she, Jodi Dickey, and Dan Taylor had very thorough notes that they went over at the next meeting.

Council member Eisenbarth also discussed the Plan Commission meeting and said he believes the public wants respect and would like their opinions acknowledged.

Council member Zusan requested that everyone have a microphone at the next Plan Commission meeting. He added the public wants to be heard and/or wants to listen to people speak. He noted there is a lot of information and Council needs to be prepared before making a determination. He also discussed the Summit he attended and spoke about economic development. Council member Zusan stated Avon needs to be picky about what we want to see because once it is filled up its over and we can't expand and will be land locked. Avon has an opportunity to be selective.

Council member Zusan asked Mr. Klein when we will be advertising for the Boards/Commissions. He would like to see the citizens get involved in the Boards/Commissions and believe they can bring value to the community.

New Business

Approval of Contract for Construction Engineering for Reagan Parkway Trail

Staff recommended the Town Council approve the contract with Etica for a not to exceed amount of \$113,310 for construction engineering of the Ronald Reagan Parkway Trail. Discussion was held. Council member Eisenbarth made a motion to approve staff's recommendation as presented. Council member Turner seconded the motion.

M. Turner-for, S. Eisenbarth-for, A. Tevebaugh-for, B. Stafford-for, G. Zusan-for 5-for, 0-against, Motion carried 5-0.

Discussion on Abolishing Town Court

Tom Klein provided information outlining the situation with the Town Court and the costs. He also provided revenue and court ticket trend. The only time the Town can act on abolishing a Town Court is one year prior to an election of the Town Judge. The Town Judge election is next year. In the past years, the Town Court has utilized some property tax dollars to fund it which is similar to other departments. He also discussed the benefits of the Town Court. We do receive funds from LECE which pays for some of the police training. Some of the costs of maintaining the Town Court are the use of property tax dollars to help pay for the Court, and the risk of violent individuals coming into the Police Station that are contesting tickets. Mr. Klein asked for guidance on how to proceed regarding the Town Court. Judge Owens was also present and spoke.

Discussion was held regarding the number of tickets being issued and revenue received. Judge Owens responded that we are not to make money off of issuing tickets, the goal is to break even. The first couple of years we made money but after that it has steadily gone down. Tickets have been down. We issue a lot of seat belt tickets, but we do not receive any income from those tickets. We do not do misdemeanors in Avon, they go to Plainfield and Brownsburg. She added she is retiring and if we are going to close the court, now is the time to do it.

Discussion continued. Lori Medlen, Town Court Clerk, answered questions about the amount of money that goes to the Town for infractions and Town ordinances. Ordinance violations are only written by Avon officers not County officers. Chief Stoops stated that they have weighed the pros and cons of the Court. The cons are the officers would be required to do filings in different courts which would be an inconvenience, but would also increase the cost of overtime for officers to attend court and drive to a different court. The convenience of tracking tickets would not be available. The pros would be that the Police Department could utilize the additional court space. Council member Eisenbarth stated that due to expenses, he is leaning toward abolishing the court and believes we need to act now. Council member Turner asked Chief Stoops if he could estimate what it would cost the Police Department if we did not have the court. Chief Stoops responded (could not hear as he was not at a microphone). Council asked for this to be on the agenda for the next meeting.

Discussion of PTO Payout and Use Policy

Tom Klein provided information on PTO (paid time off) use and payout with current balances. Our PTO policy allows 80 hours to be carried over. In the past years we have paid out the balance of unused PTO time over 80 hours. Last year we paid out 406 hours and carried over 1,500. In 2016 we paid out 316 hours. Guidance is needed from the Town Council regarding the payout of unused PTO time at the end of the year, and whether or not the PTO use policy needs to be amended for 2019. Chief Stoops spoke about time off and stated that the Town of Avon provides a very generous benefit package which separates us from the rest of the agencies in the county. This is beneficial as it relates to the overall physical, mental, emotional and financial wellness of each employee not just the police officers. Chief Stoops spoke about the current policy and discussed time away from work decreases sick leave and work-related injuries. In comparison to last year we are on track to use about 37% less sick leave and about 34% FMLA leave. Time away benefits, offset some of the negative side effects of the job. He discussed the financial impact and stated the department is understaffed as our community continues to grow. The department has made every attempt to hire additional officers, make schedule adjustments and implement action plans to continue to provide the best proactive police service possible. This does inhibit our ability to ensure the use of our entire benefit leave balances from time to time. Mandating the use of benefit leave within a specified time, with no carryover will create substantial stress on supervisors, and employees to maintain shift coverage during periods of mandated PTO use. Based off of PTO balances as of 10/21/18 the police department would have approximately

3318.55 hours of unused PTO. Chief Stoops has reviewed the projected PTO use for the department and found an additional 1264 hours of PTO slotted for use by the end of the year. This would bring the projected number down to 2054.55 hours of unused hours for the Police Department. Discussion was held regarding the benefit of taking time off and scheduling down unused time off. Chief Stoops added that the payout in January is nice for those wanting to pay off charge cards from the holidays. Last year the additional appropriation was \$11,066 for PTO payout. Council member Stafford would like to see what the trend has been over the last 4 or 5 years for this issue before we make a decision. She added that PTO should be used and not considered a savings account to pay charge cards off in January. Mr. Klein provided numbers for 2016, 2017 and 2018. Tom will speak with staff and see if we can obtain a more accurate number for this year. Delbert Harmon with the Parks Department stated that during the summer they are working overtime, and in the winter have more down time and can plan better for PTO. Chief Stoops stated this is a benefit and should be the employee's choice as to how they want to use their time off.

Resolution

Resolution 2018-22: Authorization to Fill Vacancy: Public Works

Ryan Cannon asked for authorization to fill the Public Works Project Coordinator position in the Public Works Department. Council member Stafford made a motion to adopt Resolution 2018-22. Council member Turner seconded the motion.

M. Turner-for, S. Eisenbarth-for, A. Tevebaugh-for, B. Stafford-for, G. Zusan-for
5-for, 0-against, Motion carried 5-0.

Ordinance

Final Adoption: Ordinance 2018-20: Additional Appropriation

Council member Stafford made a motion to approve Ordinance 2018-20. Council member Zusan seconded the motion.

M. Turner-for, S. Eisenbarth-for, A. Tevebaugh-for, B. Stafford-for, G. Zusan-for
5-for, 0-against, Motion carried 5-0.

Legal Counsel Report

Condemnation has been completed on the last two cases.
They will be pushing some end of year ordinances to comply with new laws.
Nepotism certificates will be ready at the next meeting.

Public Comment

None

Council Calendar

11/15 – Council meeting will be held at the Avon Middle School South

12/6 – Council meeting will be held at the Pavillion Center

Adjournment

Meeting adjourned at 9:04