

AVON TOWN COUNCIL MEETING

December 6, 2018

7:00pm

Washington Township Pavilion
435 Whipple Lane, Avon, Indiana

Call to Order was made by Council President Aaron Tevebaugh.

Council President Tevebaugh asked for a moment of silence for the late President George Bush

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

11/30/18 Check Register

11/15/18 Town Council Meeting Minutes

Introduction: Ordinance 2018-27: 2019 Holidays

Introduction: Ordinance 2018-28: 2019 Salaries and Benefits

Introduction: Ordinance 2018-29: Amending Direct Sellers Fee

Introduction: Ordinance 2018-30: Amending Rules for Buried Utilities

Council member Eisenbarth made a motion to accept the Consent Agenda 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.

Public Comment

Lowell Jackson, Pines of Avon, spoke about the reasons that Avon should not approve any more planned unit developments (PUDs). Mr. Jackson commented that traffic on Dan Jones should not be increased until the infrastructure has been improved. The school system is too crowded which negatively impacts the property owner's pocket. The school will have to request additional tax dollars. Property values will decrease. Rental properties will increase which leads to "one bad apple" and will decrease property values and increase property taxes. PUDs create a serious fire safety problem. This will increase an over abundance of residential homes. Avon has 1,054 approved lots available and 1,144 approved apartments approved for occupancy. He urges Council to vote no and to use some common sense and have a 6-month moratorium on new residential zoning and allow enough time to reevaluate the situation.

Brenda Riley, 7612 Cabinet Maker Court, thanked Council for the work they do and stated she appreciated all they do for the community. She stated that there is nothing new that she has not previously voiced about the proposed PUD. Instead, she asked to focus on the group of people behind her. She said the group continues to grow in strength and in numbers. They have been called a lot of things but more importantly, they have been under estimated. As an adjoining property owner to the proposed PUD, she will be directly impacted. Her reason for being here is obvious but asked about the others. They are here from all parts of Avon and it is clear that they love this place they call home. They are concerned about safety on the roads, fire and emergency services, property values and our schools. She quoted Margaret Mead who once said "never doubt that a small group of thoughtful, committed citizens change the world. Indeed, it is the only thing that has." This gives hope to the people. Ironically, this quote is in the Avon Comprehensive Plan. Citizens have shown up for meetings, made phone calls, distributed flyers, signed petitions, canvassed neighborhoods and even stood outside for hours on election day talking and more

importantly listening to voters. These people love their community but do not like the direction it is heading. Issues and concerns have been identified and they want to work toward solutions. Their passion for and commitment to this community is evident. No matter what happens tonight, she does not want to ever be said that these people did not fight hard enough. Without a doubt they have given it their all and she is thankful for each and every one of them. They will be ready for the next step, whatever that may be. To each of you the proposed PUD is a discretionary zoning request. No one has an automatic right to a rezone or a PUD. There is a process and certain criteria to be met and, in the end, it is at the Council's discretion. This decision is in their hands and the people have given so much information and so many reasons to say no, but at a minimum if they are hesitant, she asked that the legal criteria for approval have not been met. Vote no and maybe they can take some of this energy and work toward some solutions.

Adrian Miller, refused to state her address because she did not want to be threatened and retaliated against by Mr. Wathen or his group. She asked everyone to take a look at the bottom of the program. It clearly states the town's motto. Avon is a safe vibrant community for active families and thriving businesses. (At this point, unable to hear part of comments.) For months this group of people have been against everything the town stands for. It would not matter if the Turner property was developed as a hospital, a church, a bird sanctuary, a five-story office building, trailer park, or million-dollar homes on five acre lots, this group would be against it. It was alright for them to move here, drive on the roads daily and have their kids attend the schools, but not for anyone else. Let's just say there are 200 people here tonight, which is a generous guess. There are 44,764 residents in Washington Township according to the most recent census survey. She used Washington Township instead of the Town of Avon due to the fact that most in the crowd are not in the Town limits. That is a total of 1% of the residents in Washington Township and they should not be the deciding factor on decisions that impact Avon as a whole. This property will be developed. Mr. Rioux is not backing down and the houses will be going in. It is the Town Council's decision to decide which is better for the Town moving forward. The Fairwood PUD offers many amenities for the neighborhood and also the Town as stated in previous meetings that are at the expense of the developer. The R1A offers no amenities for the neighborhood, the high school or the Town, and any of those improvements in the future will fall on the tax payers. If you take a look around the room, you will notice that she is the youngest one in the audience. She is 34 years old, married with a family. She stated she is the generation that Avon is attracting and will keep it thriving in the future. Families like herself look to move to Avon for various reasons whether it be for the 4-star schools, the championship extracurricular activities, proximity to downtown or the airport or just the convenience of the shops. People want to live in Avon. Most families have both parents working full time jobs and do not want to have or have the time to upkeep large lots. They are more interested in activities and want the convenience of them for their neighborhood. Many of the group have said that Dan Jones is the gateway between Plainfield and Brownsburg. Why would you want the first or last neighborhood not to be spectacular with landscaping, amenities and upscale homes? She asked that they not let 1% dictate the future of Avon. If this is voted no, please be prepared that this is only the beginning of problems from this group and this will only fuel their fire. She told the audience to be careful what they wish for.

John Serek, 1371 Bur Oak Court, stated that unfortunately Rian could not make it today as he is traveling on business. He stated that many things that they just heard are flat out not true. People here are not against progress at all, and stated it is the type of progress. He said Avon can do better. The current proposal can be a lot better and R1A is not what some people present it to be.

Diane Mason, Timber Climb Drive, The PUD is great just not in that location. Plainfield is also complaining about the traffic on Dan Jones Road. This development is identical to Wynbrook and there has been nothing but difficulties. The commercial area is in a flood area. She feels that they should require a stop light. She believes the Town needs to have a moratorium and understands this is a negative on the Town, but she believes it is an enhancement that the Town would take the time to look at the current infrastructure and see what needs to be adjusted and make corrections. The Town needs to do the updated zoning ordinance immediately. She believes that commercial is what we need to bring in tax dollars. She asked that Council have more communication with the public. She said that Mr. Tevebaugh won the election by only 159 votes and that indicates that the Town is trying to say they are not happy and do not necessarily feel that he is the man for the job. She believes that we need a president that can work cohesively with the citizens and added that Greg Zusan should be the president because he would listen and added that he has been involved in the Town.

Jack Mason, 6308 Timber Climb Drive, stated that he is happy to say where he lives and if you are not happy with something he says, you are welcome to come to his house. He says not giving your address is unacceptable. He said that if this PUD doesn't go through, they can go back to the R1A, but it will be less homes. The fire department should be there for life for them. He added that \$600 HOA fees are outrageous. He also asked stated there has been a lot of lip service but has not seen anything in writing. Everything needs to be in writing. He asked this be taken into consideration.

Nathan Rausch, 1704 Galloway Circle, stated that when it comes to PUD's he does not believe we are trying very hard. More due diligence is needed. We need something that is unique and an asset to the community. He does not believe that we need another commercial strip. We have too much empty space; he believes there are better things we could do with the area to make it more desirable for the community. This does not count as affordable housing and does not believe people will flock into the area. He said a couple of months ago he emailed Council with legitimate questions about redoing ordinances and only heard a response from Steve Eisenbarth. He stated the Council gets paid and he deserves a response.

Jeff Dorman, 7431 Hawthorn Drive in Hidden Valley, stated he has been following everything that has been going on and has looked at R1A. He also cares about this community. He added that he takes a different position on this and said there is going to be a development, the question is what type of development. When he looked at the proposed development, Fairwood, he believes it is a good and desirable development. The amenities and benefits of the homes are high quality material, aesthetically pleasing and the architectural designs are nice. The homes would be nice and of higher value. He believes they would add value to the other homes. The extension of 200 South and the property set aside for the fire station are desirable for the community.

Craig Johnson, 7702 Woodmaker Ct., stated traffic is a problem and Avon needs a plan. It is going to take several years to take care of the Dan Jones Road traffic problem. This subdivision will not help with the traffic. He is concerned about what they will be getting and said they still have to go through final plans and there are a lot of details that are out there. Their only concern is that when all this was started, they were shown a plan they were not too afraid of, but then things were not as they appeared and things started changing. The one thing this entire process has shown is that the process does work. The developer has been responsive taking it back to what they were shown originally. They realize the land is going to be developed, but the challenge is that by allowing this to be a PUD they do not know what they are opening the doors to. If they do a R1A it is not going to be a monotonous neighborhood. They are asking that they have plans, good plans, plans to improve the roads, a plan for what the community should look like with green

space and what they are doing to attract people to Avon and Hendricks County. Council was voted in to do what the citizens want them to do.

Luann Turner, 8744 Nevada Drive, Newburg, Indiana. She is one of the property owners for the proposed Fairwood subdivision. She has been following the meetings and is shocked and appalled and embarrassed by what she has read and what she has heard from the meetings. Her parents did not teach them to live in a community where people behave as they have behaved over this proposal. She stated that when she grew up on the farm the only thing was Plainfield. As they grew up, Indianapolis moved farther and farther west. Never once did her parents or grandparents complain about subdivisions going in around them. They had trespassers in their pond fishing, others throwing their grass trimmings and leaves into their farm fields. People have walked through their property and gone through their barns and felt free to take their property. They never complained because they new progress was inevitable. This proposal is progress and is something that this entire community should be proud of. She stated she has been embarrassed by threats people have received from people that have no vested interest in this proposal. She urged Council to pass this proposal because it is in the best interest of this community.

Bob Mallot, Jefferson Drive in Williamsburg in the Woods, stated that it is important that we learn from history. In the mid 1940's in Lafayette, Jim Price formed a company to start building homes called National Homes. The objective was to build prefabricated homes that could be taken to a lot, set on a foundation and be ready to live in in less than two weeks. They were completely successful. These houses were delivered in several pieces, the plumbing was done, electrical was done and the shingles were on the roof in each section. The market was for returning GI's back in the 1940's. They were economical homes and the City of Lafayette embraced this. It seemed to be a reasonable due to the housing shortage for those returning from the war. They were able to build these quickly and the company and the population exploded. However, the City of Lafayette struggled to provide new schools, new fire stations, new water lines, additional fire and police protection and all the other needed amenities. Today, the houses have deteriorated to the point that the values and their tax base is extremely low and the rest of the City of Lafayette is supporting them. If you do not think this is a problem, do your history. These homes have deteriorated more quickly than conventional homes. The values have been significantly reduced. Crime in the subdivision composed of these homes is higher than any other part of Lafayette. Do not ignore the errors of the past that were made by planning commissions that had similar situations. He asked that they not approve this proposal.

Cindy Turner, 2116 S. C.R. 800 East in Plainfield, stated that she has been silent until now and believes the people need to hear what she has to say. She was saddened that Rian Wathen was not in attendance. She said she will not be quoting any Indiana Codes but will be quoting real people. She apologized but will be quoting what people have said. She has been to all the meetings of the Plan Commission and the Town Council on the Settlement West and now Fairwood. Never in her wildest dreams would she have imagined that people could treat other people as down right despicable as some have. She has no problem with the forming of the Coalition for Responsible Growth. Its conception was commendable; however, she has a problem with a small group of the coalition members and their president, Rian Wathen. While many of the coalition members have expressed their views and presented themselves in a very respectable way, a small group have followed Rian Wathen and his ill-mannered tactics which many are not aware of. Rian Wathen has anger issues, consisting of bullying outbursts which have been encouraged by giving him thunderous applause, standing ovations and stroking his ego. He even lunged at Paul Rioux, the developer of Platinum properties. She asked Paul if during his 27 years, how many times have you had to ask for security to be present at a meeting for safety reasons. The response was 2 and Avon was one of them. She added that should make you proud to be

from Avon. Mr. Rioux was approached by a gentleman at the school and extended his hand to the man and the man said take your carpet bagging ass back to Fishers. She said she was dumbfounded. John Serak was the man and is a member of the Coalition for Responsible Growth. She asked if this was how they want the CRG to be perceived. Mr. Tevebaugh has stated that as far as Mr. Wathen is concerned, he has reached out and attempted to bury the hatchet and sit down with him. Mr. Wathen has said he is not interested. As you can see, Rian Wathen is a right fighter. The definition of a right fighter is someone who gets overly emotional or angry when people do not agree with them and their opinions or beliefs. They insist on having the last word in an argument or refuse to back down no matter what. On social media, Rian Wathen has offered to facilitate a Town Council Meeting. He said "it would be great to see the 2019 Council members hold an open and interactive forum with the newly engaged citizens of Avon" and said he would be willing to facilitate this for responsible growth in Avon. Now, he is trying to take over the Town Council. This is a pattern of Mr. Wathen's conduct. She added that she thought that tonight was supposed to be the final vote for the PUD, but evidently everything has already been decided and the Coalition for Responsible Growth is moving on. Mr. Wathen has taken it upon himself to contact builders to determine what should be built on the Turner land. Mr. Wathen sent an email to the land acquisition manager at Drees Homes who called Mr. Rioux to find out what was going on. She read the email that Mr. Wathen sent. According to the email Rian and the coalition own the property and want to discuss with Drees Homes to see if they would be interested in developing an attractive layout and high-quality product. He is not the broker or real estate agent and does not represent the Turner family. He also indicated the seller is motivated but did not know the price. The Turner family has never talked to or would they ever talk to Rian Wathen. The crowd was disruptive and Mr. Tevebaugh said anyone not on the podium that speaks out would be removed from the building. Ms. Turner continued. She said Paul Rioux and Platinum Property are not going away. There is an active contract in place between Platinum and the three heirs of the Turner Farm. Mr. Wathen posted on social media that they currently have a land owner that has an inflated price which only makes financial sense to the developer if they build a substandard subdivision with 285 houses. He also said it is time for the owner to get realistic about the worth of their property based on current zoning and reduce the price to the actual market value determined by the usability of this land. He has taken it upon himself to determine the price of the land. This is a pattern of his conduct. She asked what was going to happen when the endorsed candidates of the CRG, Greg Zusan and Dawn Lowden do not follow as the coalition demand. Will they will be ridiculed and threatened as Bev Stafford and Aaron Tevebaugh were when they stood up to Rian Wathen and the coalition members? The Council giving in to this small group of remonstrators only fuels their craving for power and will never end until the elected Town Council puts a halt to their ill-mannered tactics and vote for the citizens of Avon and Washington Township not the coalition.

Mark Pertilino, 1494 Laurel Oak Drive, said he is a board member of the CRG and stated the only mission of CRG is responsible growth and none of that includes retribution and threatening behavior or any of the other allegations that have been made against good people in this group. He believes this situation is being over complicated and said when people stand up and talk about codes, building, zoning, laws and regulations and treat them as unnecessary; it only speaks to a level of irresponsibility when we look at the type of developments that we are bringing into Avon. He supports the Turners selling their property and they have the right to sell it for whatever they want. The CRG only cares what is put on the land and they want the zoning laws to be followed and right now they are not.

Kyle Thompson, 7556 Book Binder Drive in Williamsburg in the Woods, thanked the Town Council and stated they have had a tough job over the last few months and handled it well. He also

happens to be a millennial in the crowd and stated he is a little different than most. He believes in low taxes and is very much pro-growth but responsible growth. He moved to the area because of the community and said he loves Avon and Plainfield. The Turners have been great neighbors and he hoped they get the most out of the land because they deserve it. They have been great neighbors and ambassadors to the community. This becomes important when it comes to zoning. We have heard a lot of things between PUDs and R1A. The misconception and what people want out of this, is to not just throw blanket pre-fabricated homes up with no plan. This has been going on since June and they still do not know who the builder is and what the masonry type of home or architecture will look like. You can't pass something when you do not have a plan. The thing that gets lost with an R1A is that the lots are smaller but there is nothing from preventing that neighborhood from becoming marketable. The developer, the builder, is going to have to add things that make people want to come to a neighborhood with character. That is what this community needs. He asked that Council do the right thing and continue to move Avon forward and come together.

Rocky Turner, stated that he asked Rian Wathen who he thinks he is sending out emails to builders representing himself and the CRG as having interest in the Turner property. He is interfering in an existing contractual relationship. Some people think that Mr. Wathen walks on water and is good for Avon, but when he sinks, he will pull a lot of people down with him. Mr. Rioux is not going away as some might think. He said the R1A zoning practices provide less open space, landscape buffers and (unable to hear). PUDs require 36% open space where an R1A only requires 15% open space. More than 20 acres of additional open space is provided under the PUD. The Fairwood PUD the developer proposes, a significant investment to the neighborhood by providing active and passive amenities which is what buyers are looking for, but is not required under R1A zoning. Howard Miller, Harry and Joann Hall, Carol Ford, Joyce Taylor, Carol Shubert, Robert Riley, (unable to hear) will not have a 40-foot buffer with trees and shrubs, instead you will have a back-door neighbor whose yard butts right up to theirs possibly with a blow-up swimming pool since there will not be one offered in the R1A plan. He added that they have friends that live in Williamsburg and Hidden Valley who went to the first public meeting with concerns. After they saw and heard Mr. Rioux plan, they did not have any issues with the plan saying it looked like a well thought out project. These same people have not been to any meetings since. They will be unhappy if this plan does not pass and an R1A goes in. (comments were made regarding traffic, but unable to hear). The school encourages growth or they will lose state funded money. High density (unable to hear). He asked if the remonstrators have ever been on Beacon and looked up their home. Lot sizes are (unable to hear). He asked that Council do what is right for not just the Town, but for the County.

Diane Mason approached podium and was asked to be removed from the room by President Tevebaugh.

Paul Rioux, 6659 White River Place in Fishers, Indiana stated that he has read the latest diatribes on social media and to the Council; at the risk of violating Mark Twain's advise of never arguing with a fool because people won't be able to tell the difference, he could not let this much misinformation not be addressed. He fails to understand how so many people who have never met him have so much knowledge of his business. His neighborhoods have been compared to other neighborhoods in Avon and not one of them are zoned R1, but are zoned R2. He made comments about the price of the property and the Turner's right to sell. Mr. Rioux said of all the people that have come to the podium and give their name and address, over 50% live in Plainfield. As you would expect most of them live in the Williamsburg neighborhood. He assumes that Council is aware of that neighborhood and that the Plainfield Council moved to abandon the right away that connects the Turner property. A Plainfield Council member that lives in Williamsburg

passed an ordinance to (unable to hear) on the existing right of ways so that the community could be connected to Williamsburg (unable to hear comments). He added that this is all about money. There is simply not enough value derived from an R1A plat to provide the additional funding that helps the community. He asked where this funding will come from and added that apparently it will come from the Avon residents (unable to hear). The difference between the (unable to hear) and it's unfortunate that this is being over looked by a very small minority of the town.

Cindy Kleyn, 7592 Cabinet Maker Court, said that public service is a thankless job and she appreciates what Council is doing. But it is odd that tonight they are hearing (unable to hear) and has gotten off track and has gone on way too long. Avon has a lot of PUDs and are adding more. Her question was if they are making so much money off of PUDs our schools would be better funded, which they are not because her taxes went up to pay for the referendum.

Bruce Mayo, 7662 Gunsmith Court, said he is ashamed with the character assassination and was surprised that it was allowed to go on. Mr. Mayo thinks people should see the result of their efforts, whether it's the developer or a landowner. Their goal is to make money and he has no problem with that. He is concerned when we see an either/or and we don't say, why not both. (Additional comments were made, but were unable to hear.)

Pat Laughlin, 2209 Creek Drive, thanked the Council and the Plan Commission members and stated it has been a roller coaster and they have had a lot of patience and have a tough decision to make. The thing that bothers him is that all of a sudden, all kind of new things are coming out and it looks like it was planned. He said that he has been on boards with Rian Wathen and he believes he knows our ordinances as well as anyone right now. He has tested the Plan Commission and the Planning Director on many things and was right a significant number of times. He started out meek and is now a tiger by the tail. He does not agree with all the things that have been done but he did start out with a good intention. We do owe him thanks for that because it has made a process work. How it turns out only the Council will know.

Brenda Schobert, 7827 White Pine Drive, her home accesses Dan Jones Road and they are affected by the Dan Jones traffic. Many times, they see that 100 South is at a stand still because of traffic. An additional 285 homes on top of the current traffic will only add to the traffic problem. The high school students will be affected by the traffic and will be at an increased risk. This seems very dangerous for everyone. She said that she is not a Rian groupie and does not like many of the accusations. She believes Rian has made many of them more involved in the community which is not a bad thing.

(Additional comments were made, but were unable to hear.)

Cynthia Turner Simmons, 8278 E. C.R. 300 South, Plainfield, she is a lifelong resident of Washington Township. The Avon community has grown drastically and this piece of land that everyone is fighting over belongs to the Turner family. They should be able to do what they want to do with it. The Turner family all agree that Mr. Rioux should be able to purchase the land and develop it as he sees fit. His PUD purchase would benefit Avon High School by adding an access road to exit Dan Jones Road and installing a fence around the school for safety. The Avon schools are not over crowded. The 2018-2019 kindergarten classes are 200 fewer than the senior class this year. Mr. Rioux and the Turner family are selling, PUD or not. She is sorry to see many residents of Washington Township complaining about Fairwood. Most of the complainers are the same ones every meeting and do not even reside near the land. Please consider seriously voting yes for the original Fairwood plan as it will greatly benefit the Town of Avon.

Resident of Red Alder Drive

(Comments were made, but were unable to hear.)

Mike Waldolf, 7076 E. C.R. 25 South, has lived here for 28 years. His daughter lives in a PUD and it is a very successful neighborhood and is beautiful. His father sold 18 acres and a subdivision was

developed on the land and did not have extensive rules. Houses were built and they are not pretty. He asked that this be developed as beautiful as they can, so everyone will want to come to Avon. He asked that they not put a R1A and asked Council to think about it.

Mike Foster, 7668 Wood Maker Court, said if PUDs bring in a lot of money he does not know where that money is because he sees infrastructure problems. They have roadway and school funding issues and need more tax money. Two meetings ago he listened to someone from the DOT that said the roadway is three years out after they determine there is a serious issue. That will put strains on the current infrastructure. He thanked everyone for the serious consideration they are giving tonight and asked them to continue the good work for the Town of Avon and not for any one development. He said the infrastructure needs upgraded if Avon is going to continue to grow.

Mike Sells, 6970 Park Square Drive, moved to Washington Township in 1988 and has been a member of the community since 1977. He said he has worked with Mr. Rioux for over 20 years and he can guarantee that he is a reputable builder. He makes a commitment and lives by it. People tend to freak when they hear PUD and automatically think it's a low-level development. There is a lot of misinformation. We need to look at the PUD versus an R1A. He believes the PUD goes above and beyond what the R1A offers. He encouraged Council to approve this petition and believes it will enhance the Town along Dan Jones Road.

Joe Pearson, 8161 Sydney Lane, says he will be affected by this PUD. He has no problem with the property being developed. He has a problem with the traffic on Dan Jones. It is so bad that at 3:00 pm on a Wednesday afternoon it takes a half hour to get from Plainfield to U.S. 36. More homes will just worsen the problem.

John Volpert, 372 Reading Station Court, said as they approach the final vote on the PUD, he believes they need to look no further than the 5 criteria outlined by the planning staff on the project. He encouraged them to review what will be lost if the PUD is not approved. It will be a significantly different subdivision if it is not developed as a PUD. Most amenities will be cut out and there will be lower cost homes. You cannot change the rules in the middle of the game. He encouraged Council to step back from all of the emotion and to take the advice of the professional planning staff and base the decision on the facts and merits associated with the proposal.

Theresa Shearer, 554 Wood Maker, walked around her lot and thought how on earth could they put 3 houses on her 21,000 square foot lot. She has heard about the walking paths and said her neighborhood has walking paths and added they are called sidewalks. She has not heard what infrastructure cost per household is compared to what the taxes are.

Council Comment/Liaison Reports

Council members provided updates on meetings they attended. Council member Eisenbarth thanked everyone for their comments and for attending the meetings. Council member Zusan said the Police Department has issued a conditional offer of employment for a police officer. Police department has recently submitted a grant to the state that would continue to fund our Crime Action Team.

New Business

Bereavement Leave Use Clarification for Current Employee

A current employee started utilizing bereavement leave under the old policy of 80 hours prior to the Council amending the policy. Mr. Klein asked for clarification on whether or not this employee can utilize the old policy to complete their leave. Council member Zusan believes the person affected by the leave should be grandfathered. Council agreed.

Approval of Bid for Roundabout Construction at C.R. 150 South and Avon Ave

Ryan Cannon, Public Works Director, stated we have received federal funding for the intersection at 150 South and Avon Avenue. Bids will be opened by INDOT on December 12, 2018 which is

after the date of the Council meeting, so staff is asking for authority to award the project to the low bidder on the project for a not to exceed amount of \$1.4 million dollars and to authorize the clerk treasurer to pay the Town's match which would be \$140,000. Discussion was held about the traffic on Dan Jones and utility delays. Council member Zusan made a motion to approve staff's request to award the project to the low bidder for a not to exceed amount of \$1.4 million dollars and to authorize the clerk treasurer to pay the Town's match of approximately \$140,000. Council member Eisenbarth 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.

Resolution

Resolution 2018-24: Approving the Order of the Avon Advisory Plan Commission

Ryan Cannon stated the Economic Development Commission has passed a Declaratory Resolution to create an Economic Development Area called the Ronald Reagan Parkway Economic Development Area an allocation area called Avon Landing Allocation Area. The Avon Plan Commission has reviewed this action to determine if the proposed Economic Development in the area is consistent with the Comprehensive Plan and if the area is one that the plan Commission has identified for economic development growth. The Plan Commission made this determination and approved the order on November 26.

Council member Zusan asked how quick this will stimulate commercial industrial growth. He said our tax base is upside down and we need commercial industrial and by doing this it is our way of working with those developers to bring jobs and to bring the tax base up higher so we have additional funding available. Mr. Cannon responded that certainly the goal of this area is identified to stimulate that growth and without it, it will take a much longer period of time. It could take 5-7 years before we begin to see economic revenue.

Council member Turner made a motion to adopt Resolution 2018-24. 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.

Ordinance

Public Hearing and Final Reading: Ordinance 2018-22: Additional Appropriation

The Public Hearing was opened and closed with no one coming forward.

Council member Eisenbarth made a motion to accept Ordinance 2018-22 Additional Appropriation as stated. 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.

Final Reading: Ordinance 2018-21: Fairwood PUD

Jodi Dickey, Planning Director, provided an updated booklet from the petitioner. The developer was also present. Council member Zusan asked about the time frame (unable to hear). Ms. Dickey responded that they have 90 days which would put them at February 1, 2019. Council member Stafford asked if they have heard from the developer regarding the R1A. Ms. Dickey responded yes and added that an R1A had been filed that day. Ms. Dickey said she had not had time to review it but said there was less acreage and the plat would not go north and would not abut the high school property. There are 199 lots and there was a letter of intent included. (unable to hear Ms. Stafford's comments). Ms. Dickey discussed the amenities that would be required. She also discussed platting and the limitations by the state. If a developer brings a compliant plat to the Commission, they have no choice but to approve that plat. They can ask questions but the developer is not obligated to make any additional commitments. Ms. Dickey read the criteria that must be considered when making the findings. Council member Zusan asked if Mr. Rioux would

like to discuss reducing the number of villas to estates that Ms. Dickey spoke about. He added that he was the one that asked Ms. Dickey to contact Mr. Rioux as he had a number of phone calls and felt staff should respond to those questions. Mr. Rioux stated that there is an opportunity to convert 22 lots to estate lots. The reason that this is an important compromise is it will put the view of the estate homes along Dan Jones Rd. He added this is a reasonable request. (Mr. Tevebaugh and Mr. Zusan's comments could not be heard after 3:03:34). Council member Eisenbarth had concerns but comments and discussion were unable to be heard). Council member Zusan had concerns that if this is voted down tonight that they may suffer the consequences tomorrow or down the road (unable to hear additional discussion). Council member Stafford made a motion to accept and amend Ordinance 2018-21 to increase the number of estate homes. No second was made. Motion failed. Council member Eisenbarth made a motion to deny Ordinance 2018-21. Council member Tevebaugh seconded the motion. M. Turner-for, S. Eisenbarth-for, A. Tevebaugh-for, B. Stafford-against, G. Zusan-for 4-for, 1-against, Motion carried 4-1.

Legal Counsel Report

There was nothing to report.

Public Comment

Brenda Riley, 7612 Cabinet Maker Court, thanked each one for listening to their heartfelt concerns over the last few months. She is confident that building R1A will produce a good product because they have a Town of Avon Subdivision Control Ordinance that they have to follow. She is also confident that the space between the homes and the minimum square footage will make a difference. She is confident that a good product will be built and has confidence in the process going forward.

Lowell Jackson also thanked everyone for listening and stated the criteria did not meet the requirements for the PUD. He hopes the Turner family will be able to sell the property and homes can be built. He added that infrastructure is critical.

Council Calendar & Adjournment

12/6 Next Council Meeting. Meeting adjourned at 10:37pm.