Mayor Charles Henderson called the meeting to order at 8:42 a.m.

PRESENT: Board Members Mayor Charles Henderson, and Kevin Hoover; Clerk Treasurer Jeannine Myers; Executive Secretary of the Law Department Amanda Leach; City Engineer and Director of the Department of Community Development Services Mark Richards.

Mr. Hoover moved to accept the regular minutes of May 19th, 2010 as presented. Second by Mayor Charles Henderson. **Vote: Ayes. Motion carries.**

Director of Community Development Services and City Engineer Mark Richards reviewed the following recommendation of Paul Peoni Engineering Division of the Department of Community Development Services:

General Cinema – 461 South Greenwood Park Drive

Curt Tappendorf, Simon Property Group, appeared regarding the following requests:

1) Accept the sanitary sewer at the General Cinema (AMC) – Greenwood Park Mall Project.
2) Accept the street improvements in the public right-of-way at the General Cinema (AMC) – Greenwood Park Mall Project.
3) Accept the dirt work, storm sewer & erosion control measures in the public right-of-way at the General Cinema (AMC) – Greenwood Park Mall Project.
4) Acknowledge completion of the traffic control signs at the General Cinema (AMC) – Greenwood Park Mall Project.
5) Acknowledge completion of the private dirt work, storm sewer and erosion control at the General Cinema (AMC) – Greenwood Park Mall Project.
6) Sidewalks along Fry Road were included in this project also; however, they were waived due to the new proposed (at that time) Fry Rd. Reconstruction Project, Phase I.
7) Release performance bond #27 SB 103143617BCM from Traveler's Casualty Insurance Company in the amount of $293,005.00 for the installation of the sanitary sewer, street improvements in the public right-of-way, dirt work, storm sewer and erosion control in the public right-of-way, the private traffic control signs and private dirt work, storm sewers and erosion control and sidewalks in the public right-of-way at the General Cinema (AMC) – Greenwood Park Mall Project.

There has been final field inspection by Kevin Riddle of the engineering division and all items covered by the performance bond listed in #7 above appear to have been satisfactorily installed. The City has received acceptable mylar as-builts, the inspection and testing fees are in order. At this time the engineering division recommends that the Board make the motions stated above.

The performance bond mentioned in #7 above was accepted on March 04, 1999. The improvements have been in place for well over seven (7) years. The developer had started the process of acceptance/acknowledgement of improvements and release of performance bond well over 7 years ago. The developer was told what was needed to get their performance bond released and they started the process back in 2003 but never followed through. Due to the long delay in getting the Board to take official action and the fact that the improvements have been in place this long, the developer is asking for a waiver of the three (3) year maintenance bond requirement in the amount of $56,629.00 for the sanitary sewer, street improvements in the public right-of-way, dirt work, storm sewer and erosion control in the public right-of-way. This decision to allow the waiver of the three (3) year maintenance guarantee is completely up to the Board.

Moved by Mr. Hoover. Second by Mayor Charles Henderson. **Vote: Ayes. Motion carries.**

Precedent South Business Center Section 1 – Block 6 – Lot 6 B – Building 2 Southern Wine and Spirits Warehouse 800 Commerce Parkway West Drive

Jeffrey Clayton, Evans Mechwart Hambleton & Tilton Inc., and Timothy Sweeney, Quadrangel Development Company, appeared regarding the following requests:

1) Allow encroachment into a drainage & utility easement along the south side of their property to install a driveway to allow separate access for trucks & cars creating a safer condition.

The encroachment does not appear to be an issue for the existing detention facilities. The minor increase in storm water runoff will not affect the existing ponds in a detrimental way. All utility companies have issued letters of approval for the encroachment. At this time the engineering division would recommend allowing this encroachment with the understanding by the property owner/developer/lessee/tenant that any work required by a utility company in the easement area or access to the easement area by any utility company will be allowed with all reinstallation of any of these improvements that could possibly be damaged will be repaired at the property owner/developer/lessee/tenant expense.

The engineering division would also like to make this approval conditional upon final plan review for this driveway installation. Notes and some other minor items are needed on the plans before a land alteration permit should be issued.

Mr. Hoover moved to approve the request for encroachment and to direct staff to prepare an agreement with permission for the Mayor to sign on the Board's behalf. Second by Mayor Charles Henderson. **Vote: Ayes. Motion carries.**

Trotter's Pointe III

Jeffrey Clayton, Evans Mechwart Hambleton & Tilton Inc., and Craig Lintner, Pedcor Investments appeared regarding the following requests:

1) Accept performance Letter-of-Credit #2010-004 from Pedcor Bancorp in the amount of $359,475.00 for the installation of the dirt work & storm sewers at Trotter's Pointe, Phase III.
2) Accept performance Letter-of-Credit #2010-005 from Pedcor Bancorp in the amount of $60,102.00 for the installation of the erosion control at Trotter's Pointe, Phase III.
3) Accept performance Letter-of-Credit #2010-006 from Pedcor Bancorp in the amount of $148,332.00 for the installation of the sanitary sewer at Trotter's Pointe, Phase III.
4) Accept performance Letter-of-Credit #2010-007 from Pedcor Bancorp in the amount of $102,578.00 for the installation of the street improvements at Trotter's Pointe, Phase II.
5) Accept performance Letter-of-Credit #2010-008 from Pedcor Bancorp in the amount of $30,800.00 for the installation of the sidewalks/trails at Trotter's Pointe, Phase III.
6) Accept performance Letter-of-Credit #2010-009 from Pedcor Bancorp in the amount of $1,890.00 for the installation of the surveying monuments & street signs at Trotter's Pointe, Phase III.
7) Accept the general inspection and testing agreement for Trotter's Pointe, Phase III and ratify the acceptance of the 50% upfront fee.
8) Accept the sanitary sewer inspection and testing agreement for Trotter's Pointe, Phase III and ratify the acceptance of the 50% upfront fee.
9) Accept the off-site sanitary sewer easement from Rocklane Properties, LLC for the sanitary sewer being installed along the north side of Main Street to an existing sanitary sewer manhole near the entrance to University Park Subdivision.
10) Accept the final secondary plat.

All of the performance guarantees are in the proper form and the for the proper dollar amount. The inspection and testing agreements are in order. The off-site sanitary sewer easement is acceptable. The final secondary plat had revisions that were needed. The engineering division recommends conditional approval of the above items subject to:

a) Final review and approval of the revised plat by the engineering and planning divisions.

As far as the open road cut of Combs Road (C.R. 250 East), it is for a storm sewer that is the ultimate outfall for the detention pond for this project. An existing pipe under Combs Road must be lowered to be at the proper elevation needed for the pond outfall. It is common practice to open cut for storm sewer as it is difficult to bore concrete pipe. As long as proper repairs are made to Combs Road, to the City's satisfaction, after the storm sewer is installed the engineering division recommends that the open road cut for the storm sewer only, be allowed.

Moved by Mr. Hoover. Second by Mayor Charles Henderson. **Vote: Ayes. Motion carries.**

Fairview Place Self Storage 2455 Fairview Place

Mark Jackson, Turtle Creek Management Inc., appeared regarding the following requests:

1) Acknowledge the completion of the private dirt work, storm sewers and erosion control at the Fairview Place Self Storage site.
2) Release performance letter-of-credit #S500171 from Fifth Third Bank in the amount of $126,383.35 for the installation of the private dirt work & storm sewer at the Fairview Place Self Storage Site.
3) Release performance letter-of-credit #S500172 from Fifth Third Bank in the amount of $13,874.30 for the installation of the erosion control at the Fairview Place Self Storage Site.

There has been final field inspection by Kevin Riddle of the engineering division and all items covered by the performance bonds listed above appear to have been satisfactorily installed. The City has received acceptable paper as-builts, the inspection and testing fees are in order. The engineering division recommends conditional approval of the above items subject to:

a) Receipt of two (2) sets of mylar as-builts.
b) Receipt of two (2) ORIGINAL acceptable, executed operations and maintenance manuals for the water quality structures.

Moved by Mr. Hoover. Second by Mayor Charles Henderson. **Vote: Ayes. Motion carries.**

Director of Community Development Services and City Engineer Mark Richards reviewed the following:

Indiana Fiber Works, LLC

1) Requests Amendment to Indiana Fiber Network Non-Exclusive License Agreement

Mr. Hoover asked if this is a request for a blanket coverage area. Mr. Richards replied that it is for a blanket license throughout Greenwood but not a blanket permit. Mr. Richards stated that City Attorney Shawna Koons was comfortable with the amendment. Mr. Hoover moved to amend the license agreement and directed staff to prepare the proper documents. Second by Mayor Charles Henderson. **Vote: Ayes. Motion carries.**

Nuisance Complaints

John Myers, Code Enforcement Officer, stated that the following nuisance complaints were abated:

1) 712 Adagio Drive - Deutsche Bank
2) 998 Bentgrass Drive - Galiher
3) 205 Black Maple Court – Watkins
4) 637 Blue Meadow Drive – Major
5) 100 North Brewer Street – Meeks
6) 1155 Clark Driver – Stammer
7) 240 Clayton Lane – Alba
8) 986 Ellington Circle – Martin
9) 1745 Feather Reed Lane – Broadview Properties
10) 2974 Hearthside Drive – Davis
11) 3025 Sable Ridge – Chamberlain
12) 2981 Sentiment Lane – Grewal/Kaur
13) 245 North Smart Street – Mathews
14) 831 West Smith Valley Road - Steele
15) 1168 Waterford Drive – Thrasher
16) 308 Winterset Way – Burchfield

John Myers, Code Enforcement Officer, asked for a continuance for 996 Shenandoah Way until the June 24th 2010 meeting. Moved by Mr. Hoover. Second by Mayor Charles Henderson. **Vote: Ayes. Motion carries.**

John Myers, Code Enforcement Officer, spoke on the following nuisance complaints:

1) 1205 Braeside Circle – Hirtz

Mr. Myers stated that the property is vacant and has high grass, weeds, and a pool without a fence. Mr. Hoover moved to find that a nuisance does exist at 1205 Braeside Circle, and directed the City Attorney to issue an Order of Abatement giving 10 days notice and failing that to authorize the City Attorney to take all steps deemed appropriate to abate the nuisance and charge the cost thereof against the property owners. Second by Mayor Charles Henderson. **Vote: Ayes. Motion carries.**

2) 284 East Broadway Street – Radcliff

Mr. Myers stated that the property is vacant with high grass and weeds. Mr. Hoover moved to find that a nuisance exists at 284 East Broadway Street, and directed the City Attorney to issue an Order of Abatement giving 10 days notice and failing that to authorize the City Attorney to take all steps deemed appropriate to abate the nuisance and charge the cost thereof against the property owners. Second by Mayor Charles Henderson. **Vote: Ayes. Motion carries.**

3) 1482 Fry Road - Lauck

Mr. Myers stated that the property is vacant and has high grass and weeds. Mr. Hoover moved to find that a nuisance does exist at 1482 Fry Road, and directed the City Attorney to issue an Order of Abatement giving 10 days notice and failing that to authorize the City Attorney to take all steps deemed appropriate to abate the nuisance and charge the cost thereof against the property owners. Second by Mayor Charles Henderson.**Vote: Ayes. Motion carries.**

4) 611 LaReforma – Ridgeway

Mr. Myers stated that the property is vacant and has high grass and weeds. Mr. Hoover moved to find that a nuisance does exist at 611 LaReforma, and directed the City Attorney to issue an Order of Abatement giving 10 days notice and failing that to authorize the City Attorney to take all steps deemed appropriate to abate the nuisance and

charge the cost thereof against the property owners. Second by Mayor Charles Henderson. **Vote: Ayes. Motion carries.**

5) 2441 Longleaf Drive – Ayala/Moran

Mr. Myers stated that the property is vacant and has high grass and weeds. Mr. Hoover moved to find that a nuisance does exist at 2441 Longleaf Drive, and directed the City Attorney to issue an Order of Abatement giving 10 days notice and failing that to authorize the City Attorney to take all steps deemed appropriate to abate the nuisance and charge the cost thereof against the property owners. Second by Mayor Charles Henderson. **Vote: Ayes. Motion carries.**

6) 961 Red Maple Court – Butcher

Mr. Myers stated that the property is vacant and has high grass and weeds. Mr. Hoover moved to find that a nuisance does exist at 961 Red Maple Court, and directed the City Attorney to issue an Order of Abatement giving 10 days notice and failing that to authorize the City Attorney to take all steps deemed appropriate to abate the nuisance and charge the cost thereof against the property owners. Second by Mayor Charles Henderson. **Vote: Ayes. Motion carries.**

7) 590 Oakwood Drive – Hammond

Mr. Myers stated that the property is vacant and has high grass and weeds. The owner has passed away. Commissioner Lowell Weber was working on the structure issues of the property. Mr. Myer stated that the code enforcement violations have been abated. Mr. Weber stated that it is being decided by the Courts if the house should go to the Sherrif's Sale. Mr. Weber stated that there is structure failure and the house looks very run down. Mr. Weber asked for permission to contact the mortgage company one more time to secure the garage door. Mayor Charles Henderson directed Mr. Weber to also ask what their intentions are for the property. Mr. Hoover moved to find that a nuisance does exist, due to trash, debree, and appearance, at 590 Oakwood Drive, and directed the City Attorney to issue an Order of Abatement giving 10 days notice and failing that to authorize the City Attorney to take all steps deemed appropriate to abate the nuisance and charge the cost thereof against the property owners. Second by Mayor Charles Henderson. **Vote: Ayes. Motion carries.**

Audience

None.

City Attorney Status of Tasks

None.

City Engineer

Director of Community Development Services and City Engineer Mark Richards reviewed the following recommendations:

Worthsville Road Reconstruction Project, Parcel 17 – An administrative settlement to acquire property necessary for reconstruction of Worthsville Road has been presented to, and approved by, the Redevelopment Commission (RDC) at its June 8th, 2010 meeting. An offer was made to Heritage Brookhaven Development, LLC (Heritage) for land designated as Parcel 17. The offer was in the amount of $19,300.00 for 0.930 acres of permanent (fee simple) right-of-way. This offer was rejected by Heritage, who believes that the purchase price should more appropriately be based upon the $29,000 per acre Heritage paid for the property. This increases the purchase offer by $3,060.00 to $22,360.00. The RDC considers it to be in the City's best interest to settle this parcel for the proposed amount of $22,360.00 to avoid delays and additional cost that would be incurred should the City pursue condemnation.

Mr. Hoover moved to accept the offer of administrative settlement as described in the Memorandum to the City of Greenwood from Elizabeth A. Sullivan, Land Agent, RWS South, Inc., dated May 18, 2010, to fully acquire Parcel 17 of the Worthsville Road Reconstruction Project, as approved by the Redevelopment Commission on June 8th, 2010. Second by Mayor Charles Henderson. **Vote: Ayes. Motion carries.**

Worthsville Road Reconstruction Project – Temporary Roadway Easements will be required for reconstruction of Worthsville Road near facilities owned by the Clark-Pleasant Intermediate School Building Corporation. The parcels are designated 7A and 7B. The Temporary Roadway Easements have been submitted to the BPW&S for acceptance and execution.

Mr. Hoover moved to accept the Temporary Roadway Easements for Parcels 7A and 7B, executed March 17, 2009, to allow reconstruction of Worthsville Road, and to direct staff to record the easements following execution by the Board. Second by Mayor Charles Henderson. **Vote: Ayes. Motion carries.**

Fry Road Reconstruction Project – Reconstruction of the bridge over Pleasant Run Creek at Fry Road is currently underway. Although not in direct conflict with construction, a sanitary sewer force main is located in close proximity to the bridge foundation. Due to the age of the existing pipe and potential for a spill, Sanitation Field Operations believes it is prudent to replace the existing pipe with 8-inch diameter C-900 pipe between the top of bank on each side of the creek. The contractor performing bridge reconstruction has provided a cost estimate for the additional work in the amount of $27,025.44.

Mr. Richards stated that the estimate does not have the correct type of pipe in it, and they are waiting to see if the correct pipe will change the estimate cost. Mr. Hoover moved to go forward with the replacement of sanitary sewer force main crossing Pleasant Run Creek near the Fry Road bridge using the estimate provided by Calumet Construction with allowance for an adjustment to the cost for using C-900 pipe instead of PVC pipe with the discretion of the City Engineer, to direct staff to prepare an agreement with the contractor, and to authorize the Mayor to sign on behalf of the Board. Second by Mayor Charles Henderson. **Vote: Ayes. Motion carries.**

Duke Energy R/W Maintenance – Superior Forestry, Inc. has been retained by Duke Energy to perform R/W maintenance adjacent to and along City of Greenwood property (DPW) at Smith Valley Road and the Louisville & Indiana Rail Line. The maintenance work involves treatment of brush with herbicides using backpack sprayers to minimize overspray. The majority of the brush to be treated lies on Railroad property, however there may be brush located on City property that requires treatment. Work will be done by licensed applicators using materials designed for use along rights-of-way. Herbicides will be applied in accordance with manufacturers' recommendations.

Mr. Hoover moved to authorize application of herbicides adjacent to City property as described in the Superior Forestry, Inc. letter to the Greenwood Board of Public Works & Safety dated May 25th, 2010. Second by Mayor Charles Henderson. **Vote: Ayes. Motion carries.**

Parks Department Plantings in R/W – The Greenwood Parks & Recreation Department has submitted a request to perform landscaping along the recently dedicated Tracy Trail, within the R/W of Apryl Drive. The trees to be planted are listed in the list of approved species contained in BPW&S Resolution 05-03. Staff recommends approval of the request with the stipulation that maintenance of the landscaping will be the responsibility of the Parks Department.

Mr. Hoover moved to approve the request for landscaping within the Public Right-of-Way of April Drive as described in the letter to the BPW&S from the Parks Department dated June 9, 2010 subject to the requirements of maintenance to that landscaping remain the responsibility of the Parks & Recreation Department. Second by Mayor Charles Henderson. **Vote: Ayes. Motion carries.**

Human Resources

None.

Director of Operations

None.

Clerk Treasurer

Clerk Treasurer Jeannine Myers stated that she had received a notice of cancellation from Safeco Insurance Company of America for the Bond for Republic Services of Indiana. It requires acknowledgement. Mr. Hoover moved to authorize the Mayor to sign the notice of cancellation from Liberty Mutual for Republic Services of Indiana. Second by Mayor Charles Henderson. **Vote: Ayes. Motion carries.**

Clerk Treasurer Jeannine Myers asked the Board what funds should be used to pay the Indianapolis Department of Public Works bills totaling $1,700,000 because there is not enough money for the bill to be paid out Sewage Works Operating where it is budgeted. Mayor Charles Henderson stated that he believes it could be paid out of Sewer Availability Fees. Clerk Treasurer Jeannine Myers stated that she had received an email from State Board of Accounts that said it shouldn't be paid out of Sewer Availability Fees. Mr. Hoover suggested that the sanitation accountant should help decide. Mayor Charles Henderson moved to pay the new capacity bills out of the Sewer Availability Fee Fund to the Indianapolis Department of Public Works. Second by Mr. Hoover. Mayor Charles Henderson stated that he would meet with the Clerk Treasurer and State Board of Accounts as soon as possible to discuss the issue. **Vote: Ayes. Motion carries.**

Claims

Mr. Hoover moved to accept and approve the claims as presented through June 10th 2010. Second by Mayor Charles Henderson. **Vote: Ayes. Motion carries.**

Mayor

None.

With no further business, the meeting adjourned at 9:52 a.m.

Charles E. Henderson
Mayor Charles Henderson

Jeannine Myers
Clerk Treasurer Jeannine Myers