

**City of Franklin Common Council**  
**Regular Meeting Minutes**  
**March 5, 2012**

The regular meeting of the Common Council of the City of Franklin, Indiana was called to order at 6:30 p.m. at City Hall, 70 E. Monroe Street, with Mayor Joseph E. McGuinness presiding. Council members Joseph Abban, Kenneth Austin, Stephen Barnett, Robert Henderson, Stephen Houglan, and Richard Wertz answered roll call. Clerk-Treasurer Janet P. Alexander, Records Clerk Kathy Cragen, City Attorney Lynnette Gray were also present. Council member Joseph Ault was absent.

Mayor McGuinness opened the meeting and asked the Clerk-Treasurer to call the roll. Councilor Barnett offered an invocation, which was followed by a recitation of the Pledge of Allegiance.

**Consent Agenda**

Mayor McGuinness presented the consent agenda for approval.

- o Approval of the February 20, 2012 Common Council Minutes

Councilor Austin made a motion to approve the February Common Council Minutes as presented in the consent agenda, seconded by Councilor Abban. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

**Old Business**

Public Hearings

**Common Council Budgetary Ordinance No.: 12-02 A Budgetary Ordinance Repealing and Replacing Budgetary Ordinance No.: 11-06 A Budgetary Ordinance Fixing and Authorizing the Payment of Certain Salaries of Appointed Officers and Employees of the City of Franklin, Indiana for Year 2012 (Civil City) As Amended.** Mayor McGuinness read the title aloud and asked for public comments. No one asked to speak. Council President Barnett made a motion to read the ordinance aloud by title only. The motion was seconded by Councilor Austin. Councilor Houglan made a motion to approve, seconded by Councilor Austin. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

**Common Council Ordinance No.: 12-03 An Ordinance Approving Vacating a Portion of Bartram Parkway Right-Of-Way Within the City of Franklin, Indiana (To be known as Bartram Parkway Right-of-Way Vacation)** Mayor McGuinness read the title, and asked for public comments. Attorney Steve Huddleston came forward stating that he represents lot owner Cooper Franklin LLC (CLF). Senior Planner Joanna Myers stated that they had received a draft agreement from Tippmann Group that included CLF and Tippmann referenced in that document. Ms. Myers stated that she and City Attorney Gray were discussing the fact that Franklin Tech Park Associates was not named in this document. City

Attorney Gray stated that this matter was continued from the previous meeting because there were some questions regarding the procedural format of this ordinance. City Attorney Gray stated that in addition to the outstanding issues the easement vacations were not appropriately brought forward, and so they will be addressed later on. Ms. Gray stated that the parties themselves have been discussing an agreement to address the issues. Ms. Gray said that her concern from the City's perspective is that all three of the parties must be involved to reach an agreement. Mr. Huddleston stated that if the City were to vacate this area his clients will not have access to a public street. A street that they had access to when the property was purchased. Mr. Huddleston said that the agreement that they are trying to work out would give them access in the future under certain conditions. He also stated that there are issues in regards to the platting of the street and how the property lines come together. He reported that Tippmann Group is in the process of hiring a surveyor to obtain a correct legal description. He stated that if the City vacates this street tonight it would revert back to the developer and if the developer doesn't deed that property to one or both of the entities involved than there will be serious issues. Mr. Huddleston agreed that what is needed is an agreement, signed off on by all three parties, before the ordinance vacating the street is approved. A discussion was held. Ms. Myers stated that the existing sewer line also needs to be relocated as it currently lies within the area in which the building is proposed to be expanded. A discussion was held. Councilor Barnett made a motion to table until the next meeting, seconded by Councilor Austin. A voice vote was taken with all members stating Aye. No members stating Nay. The matter was tabled until the March 19<sup>th</sup> meeting.

**Common Council Ordinance No.: 12-04 - An Ordinance Approving Vacating a Sewer Easement Within the City of Franklin, Indiana (To be known as Bartram Parkway Sewer Easement Vacation)** Joanna Myers stated that there was an error in the filing of this ordinance, and requested that it be dismissed. Councilor Barnett made a motion to strike this item, seconded by Councilor Abban. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

**Common Council Ordinance No.: 12-05 - An Ordinance Approving Vacating Drainage & Utility Easements Within the City of Franklin, Indiana (To be known as Bartram Parkway D&UE Vacation)** Joanna Myers stated that there was an error in the filing of this ordinance, and asked that it be stricken from the agenda. Councilor Barnett made a motion to dismiss this matter, seconded by Councilor Austin. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

### New Business

#### Introductions

Councilor Barnett made a motion to read all items by title only, seconded by Councilor Henderson. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

**Common Council Resolution No.: 12-06 - A Resolution Authorizing the Use of Lowe's Credit Card - Street Department** Mayor McGuinness read the title aloud. City Attorney Lynn Gray stated that the Street Department would receive a 5% discount if they use a Lowe's credit card. Ms. Gray stated that the credit limit on this card would be \$1,000.00. It was stated that the Clerk-Treasurer's office monitors who uses these cards. Councilor Barnett stated that there was a lengthy discussion about this in the

BOW meeting, and that employees using the card will be required to sign a form outlining how the card may be used before being allowed to use the Lowes Credit Card. A discussion was held. Councilor Barnett made a motion to approve, seconded by Councilor Abban. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried. Councilor Barnett made a motion to amend authorizing the Mayor to sign the application, seconded by Councilor Abban. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

**Common Council Ordinance No.: 12-07 - An Ordinance Approving Vacating a Sewer Easement within the City of Franklin, Indiana (To be known as Bartram Parkway Sewer Easement Vacation)** Mayor McGuinness read the title aloud and stated that this matter is presented for introduction only.

**Common Council Ordinance No.: 12-08 - An Ordinance Approving Vacating Drainage & Utility Easements within the City of Franklin, Indiana (To be known as Bartram Parkway D&UE Vacation)** Mayor McGuinness read the title aloud and stated that this matter is presented for introduction only.

**Common Council Ordinance No.:12-09 - An Ordinance of the Common Council of the City of Franklin, Indiana, Authorizing the Issuance of the City of Franklin, Indiana Economic Development Revenue Bonds, Series 2012 (Metro Fibernet Project), and the use of the Proceeds thereof to Support Metro Fibernet Projects, and Authorizing and Approving Other Actions in Respect Thereto** Richard C. Starkey, Esq. Barnes & Thornburg, LLP came forward to discuss this ordinance on behalf of the City of Franklin. Mr. Starkey stated that this will be brought back April 16th for final approval. Mr. Starkey asked if there were any questions from the Council and introduced Mr. Steve Biggerstaff of MetroNet. Mr. Biggerstaff gave an overview of this project.

### **Other Business**

**Discussion & Presentation Concerning Johnson County Homelessness Statistics** Mr. Oscar Yturriaga & Michele Lee came forward to speak about homelessness here in Franklin and Johnson County. Mr. Yturriaga stated that there were people here tonight from several different agencies that work with homeless people in Johnson County. Mr. Yturriaga stated that Johnson County does not have a homeless shelter at this time and that we have over 120 homeless families in Johnson County and many homeless students. He said that in 2011 he documented 237 homeless students in the Franklin School system. Mr. Yturriaga gave an overview of several agencies in the county that are working to help the homeless such as: Christian Help; Human Services; United Way; HPRP and KIC-It. Mr. Yturriaga also stated that there is a lot of investment from area churches to help the homeless. Ms. Michele Lee came forward to give information about Human Services, and stated that they would like to see a homeless shelter in Johnson County. A discussion was held. Mayor McGuinness stated that there is a fundraiser planned, a 5K Fun Run which will take place at Franklin High School on April 28<sup>th</sup> starting 10:00 a.m. All proceeds will go to assist homeless youth in Johnson County. Franklin Township Trustee Cecilia Campbell came forward and stated that she has three homeless shelters serving Franklin Township but does not have anyone asking to stay in them. Ms. Campbell explained that she does not permit smoking, drinking or visitors in these properties. Ms. Campbell went on to state that homeless people do not contact the trustee offices for help. Mayor McGuinness stated that the issue is to help these children that are homeless to be educated and trained for the future. The Council suggested that

these organizations and the township trustees work together to help solve these problems.

**Council Member Comments Concerning Board and Commission Activities**

Councilor Wertz stated that the RDC has planned a walking tour at 8:00 a.m. this Wednesday March 7. They will be touring all of the RDC owned properties. Councilor Wertz also stated that there would be a meeting that night at 8:00 p.m. discussing TIFs. That event will be held at Beeson Hall.

Councilor Henderson stated that the RDC is talking to the FDC and wants to hear their plans for the downtown area, and other projects.

Councilor Barnett stated that the Board of Works and Public Safety meeting held earlier this evening discussed the former street garage and scheduled the City Surplus Auction for April 28<sup>th</sup> which will be held at the Street Department. He also reported that the BOW discussed buying rather than leasing the Vacuum Truck in use by the Street Department.

**Announcements & Presentations**

There were no announcements and/or presentations offered.

**Adjournment**

A motion and a second were made to adjourn. As there was no further business to come before the Common Council, the meeting adjourned at 7:45 p.m. The next regular meeting will be held Monday, March 19, 2012 at 6:30 p.m.

Respectfully submitted,  
Janet P. Alexander, Clerk-Treasurer

Enrolled 3/13/2012  
Approved by Common Council: \_\_\_\_\_