

City of Franklin Common Council
Regular Meeting Minutes
June 4, 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, Joseph Ault, Kenneth Austin, Stephen Barnett, Stephen Houglan, and Richard Wertz answered roll call. Clerk-Treasurer Janet P. Alexander, Records Clerk Kathy Cragen, City Attorney Lynnette Gray were also present. Councilman Robert Henderson was absent

Mayor McGuinness opened the meeting and asked the Clerk-Treasurer to call the roll. Mayor McGuinness invited Dr. William "Ted" Murphy to offer the invocation and to lead us in the recitation of the Pledge of Allegiance.

Consent Agenda

Mayor McGuinness presented the consent agenda for approval.

1. Approval of the May 21, 2012 Common Council Minutes
2. Common Council Budgetary Resolution No.: 12-04 - Authorizing a Transfer Capital Outlay 400 to Services 300 in the amount of \$25,000.00

Councilor Barnett made a motion to move Consent agenda item number 2, to New Business. This motion was 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 approve the Minutes of the May 21, 2012 meeting under 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

Mayor McGuinness announced **Common Council Ordinance No.: 12-12 - An Ordinance Approving Vacating Right-of-Way Within The City of Franklin, Indiana Between Lots 2 & 3 of John Traub's Addition (To be known as John Traub's Addition Lots 2 & 3 Alley Vacation)** Councilor Barnett made a motion to read by title only, seconded by Councilor Abban. Mayor McGuinness read the title. Senior Planner Joanna Myers stated that the only utility running through this area is Duke Energy power lines and she would request this be approved with the condition that the appropriate easement is secured prior to recording. Mayor McGuinness opened the floor for Public Hearing. No one asked to speak. The public hearing was closed. Councilor Barnett made a motion to approve with the condition that the

appropriate easement is secured prior to recording, seconded by Councilor Abban. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

Mayor McGuinness announced **Common Council Ordinance No.: 12-13 - An Ordinance Approving Vacating Right-of-Way Within The City of Franklin, Indiana Between Lots 4 & 5 of John Traub's Addition (To be known as John Traub's Addition Lots 4 & 5 Alley Vacation)** Councilor Barnett made a motion to read by title only, seconded by Councilor Austin. Mayor McGuinness read the title, and opened the Public Hearing. No one asked to speak; Mayor McGuinness closed the Public Hearing. Councilor Barnett 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.

Mayor McGuinness announced **Common Council Ordinance No.: 12-14 - An Ordinance Approving Vacating Right-of-Way Within The City of Franklin, Indiana Between Lots 7, 8 & 9 of Leach's Addition (To be known as Leach's Addition Lots 7-9 Alley Vacation)** Councilor Barnett made a motion to read by title only, seconded by Councilor Austin. Mayor McGuinness read the title, and opened the floor for Public Hearing. No one asked to speak. The Public Hearing was closed. Councilor Barnett 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.

Mayor McGuinness announced **Common Council Ordinance No.: 12-15 - An Ordinance Approving Vacating Right-of-Way Within The City of Franklin, Indiana Between Lots 36 & 60 and 37 & 59 of Crim's Addition (To be known as Crim's Addition Lots 36 & 60 and 37 & 59 Alley Vacation)** Councilor Barnett made a motion to read by title only, seconded by Councilor Abban. Mayor McGuinness read the title, and opened the floor for Public Hearing. No one asked to speak, the Public Hearing was closed. Councilor Barnett 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.

Mayor McGuinness announced **Common Council Ordinance No.: 12-16 - An Ordinance Approving Vacating Right-of-Way Within The City of Franklin, Indiana Between Lots 35, 36, 37 & 38 and 58, 59, 60 & 61 of Crim's Addition (To be known as Crim's Addition Lots 35, 36, 37 & 38 and 58, 59, 60 & 61 Alley Vacation)** Councilor Barnett made a motion to read by title only, seconded by Councilor Abban. Mayor McGuinness read the title, and opened the floor for Public Hearing. No one asked to speak, the Public Hearing was closed. 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.

New Business

Mayor McGuinness announced **Common Council Budgetary Resolution No.: 12-04 - Authorizing a Transfer from Capital Outlay 400 to Services 300 in the amount of \$25,000.00** Councilor Barnett made a motion to read the proposed budgetary resolution by title only, seconded by Councilor Abban. Mayor McGuinness read the title. Clerk-Treasurer Janet P. Alexander stated that this resolution is

needed to transfer money within the Rainy Day Fund from the Capital Expenditures line item 400 series to the Professional Services 300 series line item to pay expenses for redistricting and to pay the expenses associated with projects assigned to a newly hired financial advisor. Mayor McGuinness told the Council that redistricting is a mandatory project under Indiana Code and is conducted following the decennial census. Councilor Barnett made a motion to approve, seconded by Councilor Wertz. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

Mayor McGuinness introduced **Common Council Ordinance No.: 12-17 - An Ordinance Approving Vacating Right-of-Way Within The City of Franklin, Indiana South of Lots 1-3 of Margaret J. Henshaw's Addition (To be known as Margaret J. Henshaw's Addition Alley Vacation)** Councilor Barnett made a motion to read by title only, seconded by Councilor Austin. Mayor McGuinness read the title. Senior Planner Joanna Myers stated that this was for introduction only, and will be brought back for Public Hearing. Councilor Barnett stated that the Board of Works had given a favorable recommendation for this ordinance.

Mayor McGuinness announced **Common Council Resolution No.: 12-13 - A Resolution Complying With Anti-Nepotism Law** City Attorney Lynn Gray stated that she had prepared the resolution to comply with Public Law 135-2012 adopted by the General Assembly. The law mandates cities and towns to adopt and implement anti-nepotism policies as of July 1st. The statute requires that a policy be adopted by the council restricting the hiring or promotion of relatives in the direct line of supervision. 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.

RESOLUTION NO.: 12-13
OF THE COMMON COUNCIL OF THE
CITY OF FRANKLIN, INDIANA
A RESOLUTION COMPLYING WITH ANTI-NEPOTISM LAW

WHEREAS, in 2012 the Indiana Legislature passed, and the Governor signed, HEA 1005 entitled Nepotism; Conflict of Interest;

WHEREAS, IC 36-1-20.2 as added by P.L. 135-2012, Section 7, requires the City to establish a policy concerning Nepotism;

WHEREAS, IC 36-1-21, as added by P.L. 135-2012, Section 8, requires the City to establish a policy concerning contracting with relatives of elected officials;

WHEREAS, these two new chapters, IC 36-1-20.2, Nepotism, and IC 36-1-21, Contracting with Unit, respectively, are effective July 1st, 2012;

WHEREAS, in both of the new Indiana Code chapters, the municipal legislative bodies are mandated to adopt a policy that includes, as a minimum, the requirements set forth in those new chapters;

WHEREAS, in both of the new Indiana Code chapters “relative” is defined as a spouse, parent, step-parent, child (natural or adopted), stepchild, brother, half-brother, sister, half-sister, stepbrother, stepsister, niece, nephew, aunt, uncle, daughter-in-law or son-in law;

WHEREAS, after thoughtful consideration in order to comply with the two (2) new chapters of the Indiana Code mentioned above, the City believes it is in the best interests of its citizens to adopt as its policies requirements of IC 36-1-20.2 Nepotism and IC 36-1-21 Contracting with a Unit as stated in the said new chapters of the Indiana Code; and

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF FRANKLIN, INDIANA, RESOLVES:

1. The City of Franklin finds that it is necessary and desirous to adopt a policy of conduct with regard to nepotism in the employment with the City of Franklin and in contracting with the City of Franklin in order to continue to be able to provide local government services to its residents and to comply with the new laws effective July 1, 2012 known as IC 36-1-20.2 and IC 36-1-21, respectively.
2. On July 1, 2012 the City of Franklin shall have a Nepotism and a Contracting with a Unit policy that complies with the minimum requirements of IC 36-1-20.2 (hereinafter "Nepotism Policy") and IC 36-1-21 (hereinafter "Contracting with a Unit by a Relative Policy") and implementation will begin.
3. The City of Franklin Nepotism Policy is hereby established effective July 1, 2012 by adopting the minimum requirements provisions of IC 36-1-20.2, and including all future supplements and amendments thereto which become law from time to time, and making them a part hereof as if fully set out herein. In addition a copy of IC 36-1-20.2 Nepotism in effect on July 1 is attached hereto.
4. The City of Franklin Contracting with a Unit by a Relative Policy is hereby established effective July 1, 2012 by adopting the minimum requirements provisions of IC 36-1-21, and including all future supplements and amendments thereto which become law from time to time, and making them a part hereof as if fully set out herein. In addition a copy of the IC 36-1-21 Nepotism in effect on July 1st is attached hereto.
5. The City of Franklin finds that both IC 36-1-20.2 and IC 36-1-21 specifically allow a unit to adopt requirements that are "more stringent or detailed" and that more detailed are necessary.
6. The City of Franklin further finds that a single member of the legislative body cannot act for the body to make work assignments, compensation, grievances, advancement or a performance evaluation without prior authority of a majority of the body and therefore without such authority by the majority he/she will not be in the direct line of supervision. See, [IC 36-4-6-11] [IC 36-5-2-94].

7. The City of Franklin finds that a single member of governing bodies with authority over employees in the City of Franklin cannot act for the governing body to make work assignments, compensation, grievances, advancement or a performance evaluation without prior authority of a majority of the body, when a statute provides that a majority is needed to act, and therefore, without such authority by the majority the single member will not be in the direct line of supervision.
8. All elected and appointed officials and employees of the City of Franklin are hereby directed to cooperate fully in the implementation of the policies created by this Resolution and demonstrating compliance with these same policies.
9. Failure to abide by or cooperate with the implementation, compliance and certifications connected with the Nepotism Policy is a violation and may result in the discipline, including termination, of an employee or a transfer from the direct line of supervision or other curative action. An elected or appointed official of the City of Franklin who fails to abide by or cooperate with the implementation, with the compliance and with mandated certifications of either the Nepotism Policy may be subject to action allowed by law.
10. Failure to abide by or cooperate with the implementation, compliance and certifications connected with the Contracting with Unit by a Relative Policy is a violation and may result in the discipline, including termination, of an employee or a curative action. An elected or appointed official of the City of Franklin who fails to abide by or cooperate with the implementation, with the compliance and with mandated certifications of either the Nepotism Policy or the Contracting with Unit by a Relative Policy may be subject to action allowed by law.
11. The policies created by this Resolution are hereby directed to be implemented by any of the following actions: a) posting a copy of this Resolution in its entirety in at least one of the locations in the City of Franklin where it posts employer posters or other notices to its employees; b) providing a copy of this Resolution to its employees and elected and appointed officials; c) providing or posting a notice of the adoption of this Resolution; or d) any such other action or actions that would communicate the policies established by this Resolution to its employees and elected and appointed officials. Upon any taking these actions these policies are deemed implemented by the City of Franklin.
12. A copy of the provisions of IC 36-1-20.2 and IC 36-1-21 effective July 1, 2012 are annexed hereto.
13. Two (2) copies of IC 36-1-20.2 and IC 36-1-21, and as supplemented or amended, are on file in the office of the Clerk or Clerk-Treasurer for the City of Franklin for public inspection as maybe required by IC 36-1-5-4.

Introduced and Filed on the 4th day of June, 2012.

DULY PASSED on this 4th day of June, 2012 by the Common Council of the City of Franklin, Johnson County, Indiana, having been passed by a vote 6 in Favor and 0 Opposed.

COMMON COUNCIL of the CITY of
FRANKLIN, INDIANA
Joseph E. McGuinness, Mayor

Attest:
Janet P. Alexander,
City Clerk Treasurer

Other Business

Mayor McGuinness announced **Discussion Concerning Proposed Repeal and Replacement of City Court Record Perpetuation Fund Ordinance** Clerk-Treasurer Janet P. Alexander stated that Judge Van Valer requested that the Council amend the existing record perpetuation fund ordinance by repealing the original fund ordinance passed in 2001 and replacing to expand its usefulness. Ms. Alexander stated that the Record Perpetuation Fund is a City Court fund which if properly authorized may be used for court salaries, record management services and equipment. A proposed ordinance will be prepared for introduction at the next regular meeting.

Mayor McGuinness announced **Discussion to Fund a New Hire to Replace a Patrol Officer Retiring in December** Police Chief Tim O'Sullivan explained that a current police officer will retire in December, but his last physical work day will be in September. The Chief requested permission to hire a replacement officer to begin training. He would like to bring the new officer on in October. A discussion was held. Councilor Wertz made a motion to fund the position that the chief is proposing, seconded by Mr. Abban. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

Comments from the City Council Members

Council President Steve Barnett asked the members if they had updates to share concerning their board assignments or any other matter. Councilor Wertz stated that the next RDC meeting will be June 21st. Councilor Houglund stated that the FDC had a market campaign meeting on June 4th and that 50 people attended. Councilor Houglund stated that they don't have a closing date set for the Red Carpet Inn property. Councilor Ault thanked Dr. Murphy for giving the invocation.

Mayor McGuinness stated that the Board of Works is vacating alleys in the flood buy-out area and that the Board had approved a payment for the sidewalk on Westview Drive.

Councilor Wertz asked if the electrical work had been completed downtown. Planning Director Linke stated that it has not been completed.

Announcements & Presentations

There were none 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 7:06 p.m. The next regular meeting will be held Monday, June 18, 2012 at 6:30 p.m.

Respectfully submitted,

Janet P. Alexander, Clerk-Treasurer
Enrolled Date: 6/12/2012

Joseph McGuinness, Mayor

Attest:

Janet P. Alexander, Clerk Treasurer