

**Board of Public Works and Safety
Regular Meeting Minutes
September 17, 2012**

The regular meeting of the Board of Public Works and Safety of the City of Franklin, Indiana was called to order at 5:00 p.m. at City Hall, 70 E. Monroe Street, with Mayor Joseph E. McGuinness presiding. Board members Stephen Barnett and Bob Swinehamer answered roll call.

Chief of Police Tim O'Sullivan, Fire Chief John Henderson, Parks Department Superintendent Chip Orner, Sewer Billing Office Manager Sherry Phillips, DPW Superintendent Rick Littleton, Planning Director Krista Linke, Street Commissioner Ron Collins, Clerk Treasurer Janet Alexander, Records Clerk Kathy Cragen, and City Attorney Lynnette Gray were also in attendance.

Mr. Swinehamer offered an invocation immediately followed by the Pledge of Allegiance.

Public Comments

Resident Mr. Rex Porter shared his concerns about vandalism in the Graham St., and Robinson Street neighborhood. Mayor McGuinness thanked Mr. Porter for bringing his concerns to the attention of the Board.

Mr. Marty Williams the President of Discover Downtown Franklin thanked the Board and the City for their support of all the recent Discover Downtown Franklin events.

Consent Agenda

Mayor McGuinness presented the consent agenda for approval.

1. Approval of Minutes from meeting held August 20, 2012 & September 7, 2012
2. Board of Works Claims.
 - Payroll in the amount of \$323,134.25
 - Payroll for Pool Rental in the amount of \$1180.00
 - Pension Payroll in the amount of \$57,750.52
 - Payroll in the amount of \$306,838.13
 - #090712 BOW Meeting in the amount of \$76,036.93
 - #090612 Sewer Utility in the amount of \$19,360.52
 - #090412 RDC-TIF in the amount of \$94.84
 - #090312 Sewer Utilities in the amount of \$458.44
 - #090112 BOW Utilities in the amount of \$23,265.62
 - #091512 Sewer Utilities in the amount of \$37,691.46
 - #091612 Sewer Utilities in the amount of \$43,877.20
 - #091712 BOW Meeting in the amount of \$76,885.84
 - #091412 BOW Utilities in the amount of \$302,680.20

3. Request Approval of Noise Variance for Live Entertainment September 22, October 13 & 27, November 3 & 10, and December 1st at Grill Bar from 8:00 p.m. to 12:00 a.m. – submitted by owner Larry Hughes.

Mr. Barnett made a motion to approve the consent agenda as presented, seconded by Mr. Swinehamer. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

Old Business

Request for Speed Humps on Forsythe Street and Park Avenue Near Pedestrian Walkways – Steve Leonard, Franklin College – Tabled from Previous Meeting – Mr. Leonard was not present. Street Commissioner Ron Collins said that he is not in favor of putting speed humps in this area. Mr. Barnett made a motion to deny the request, seconded by Mayor McGuinness. A voice vote was taken with all members stating Aye. No members stating nay. The motion was denied.

Request Approval of Updated Job Descriptions for Street Department – Street Commissioner Ron Collins stated that City Attorney Gray has reviewed the job descriptions he prepared. She concurred. Mr. Collins also requested that the title of the secretary/bookkeeper should be changed to office manager. Mr. Barnett made a motion to approve the updated Street Department job descriptions including the title change, seconded by Mayor McGuinness. A voice vote was taken with all members stating Aye. No members stating nay. The motion carried.

Interlocal Agreement Between Johnson County, Indiana and the City of Franklin, Indiana Regarding Bridge 501 – City Attorney Lynn Gray reported that she received the Interlocal Agreement from Johnson County regarding Bridge 501, also known as the South Street Bridge over Young's Creek. Mr. Littleton stated that the county has agreed to participate in the project by sharing expenses for repairs up to 50%. Mr. Barnett made a motion to approve the interlocal agreement, seconded by Mr. Swinehamer. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

Approval of Contract with Hannum, Wagle & Cline Regarding the Comprehensive Plan – Planning Director Krista Linke asked the Board to authorize the Mayor to sign this contract once a final version has been approved by City Attorney Gray. Mr. Swinehamer made a motion to approve the Mayor signing the contract once a clean copy is received and reviewed by Ms. Gray, seconded by Mr. Barnett. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

Request for Street Closures & Parking Restrictions for Holiday Lighting Ceremony December 1st from 4:00 to 9:00 p.m. – Ms. Tricia Bechman speaking on behalf of the Franklin Chamber of Commerce came forward and asked for street and parking space closures for the annual Holiday Lighting Ceremony scheduled for December 1st from 4:00 to 9:00 p.m. The parade will be held at 5:30 p.m. and will follow the normal route. She also requested that the street sweeper clear the streets following the parade. Mr. Barnett made a motion to approve, seconded by Mr. Swinehamer. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

Discussion Concerning a License Agreement Between Franklin Parks & Auburn Realty, LLC (Sandor Development) – City Attorney Lynn Gray stated that she received a letter from

Andy Woods, Parks Department Attorney concerning an offer to donate property to the Parks Department. Parks Superintendent Chip Orner stated that the property is north of Scott Park, and the intent is to make an entrance to Scott Park off of Commerce Drive. He also plans to install a new parking lot. Ms. Gray stated that this license agreement was entered into by the Parks Board in 2010 with the understanding that it would be finalized in the future. Mr. Swinehamer made a motion for the attorney to proceed with the licensing agreement, seconded by Mr. Barnett. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

Request to Modify Existing Fireworks Ordinance – Police Chief Tim O’Sullivan stated that he would like to make changes to the existing fireworks ordinance. A discussion was held. Mr. Swinehamer made a motion to take this to Council for approval, seconded by Mr. Barnett. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

Request Approval to Restrict (7) Parking Spaces in Front of 352 & 360 E. Monroe Street – Mr. Paul Melillo of Mundell & Associates came forward on behalf of Duke Energy and explained that large trucks used to haul dirt will need to enter Province Park through the main entrance off of Monroe Street. The area will have to be clear in order for the dump trucks to make the wide turns needed to avoid hitting the stone gates. Mayor McGuinness asked Mr. Melillo to make sure that people living in this area are notified in advance of the closure. Mr. Barnett made a motion to approve subject to residents being notified, seconded by Mayor McGuinness. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

Execute Grant of Easement to Duke Energy for Powerline Between 424 & 446 Center Street – Senior Planner Joanna Myers requested that the grant of an easement to Duke Energy for the powerline that runs within the vacated alley between 424 & 446 Center Street be executed. Mr. Swinehamer made a motion to approve the Grant of Easement and to authorize the Mayor to sign the document on behalf of the Board of Works, seconded by Mr. Barnett. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

Request Approval to Purchase Used Scrubber/Sweeper for \$13,500.00 – Street Commissioner Ron Collins stated that he located a used scrubber/sweeper in good condition, and thinks it would be a good purchase at \$13,500.00. Mayor McGuinness made a motion to approve, seconded by Mr. Barnett. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

Discussions & Approval of Engineering Professional Services for Lochry/Schoolhouse Storm Drain Project – Street Commissioner Ron Collins requested approval to hire Whitaker Engineering (Andrew Cochran) to assist with the Lochry Storm Drain repair project for \$33,220.00. Mr. Barnett made a motion to approve hiring Whitaker Engineering, seconded by Mayor McGuinness. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried. It was agreed that the Mayor will be signing this contract.

New Business

None

Other Business

Request Approval to File Liens for Unkempt Property Statements – Clerk-Treasurer Janet P. Alexander asked permission to file liens on unkempt property. Mr. Barnett made a motion to approve filing liens, seconded by Mr. Swinehamer. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

Department Reports / Staff Reports

Parks Superintendent Chip Orner told the Board that the Fall Festival will be held October 5th & 6th.

Planning Director Krista Linke stated that the RDC had a refresher on public access laws (“Open Door Law”) on September 12th and the Public Access Councilor gave a presentation.

Trent Newport of CrossRoad Engineers stated that two bids were received for the Downtown Streetscape Corridor and Parking Improvement Project September 14th. He recommended that the Board accept the low bid from Dave O’Mara Contractors in the amount of \$3,059,704.81. He stated that the project will be presented to the RDC on Thursday if approved by the BOW. Mr. Swinehamer made a motion to approve sending the bid by Dave O’Mara Contractors in the amount of \$3,059,704.81 to the RDC, subject to the approval from RDC, seconded by Mr. Barnett. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

Street Commissioner Ron Collins stated that Hurricane Road is coming apart and he has solicited quotes for repairs due the condition of the road. Mr. Collins stated that the low quote was received from Milestone for \$102,041.75, which was \$8,000.00 higher than it was 20 days ago, due to additional deterioration to the road. Mr. Collins stated that he had received three quotes, the second being from Dave O’Mara Contractors in the amount of \$105,850, and Asphalt Maintenance for \$138,000, he is requesting the Board let him move forward with the lowest bid from Milestone. Mr. Barnett asked if an engineer has looked at the road. Mr. Collins stated that he has not had an engineer look at the road. Mr. Swinehamer asked if it was legal for us to move forward with this project with only quotes and not asking for bids. City Attorney Gray stated that if you are a municipality you can use quotes up to but not exceeding an amount of \$150,000.00 for projects of this type. Mayor McGuinness stated that we have 1.4 million appropriated this year for capital outlay, and infrastructure improvements and we have spent zero; this road gets worse everyday and needs to be fixed. Ms. Gray stated that she has not seen these quotes at this time, and would like the chance to look them over before a decision to move forward is made. Mr. Swinehamer made a motion to table this matter until the city attorney has a chance to look over the quotes, seconded by Mayor McGuinness. A voice vote was taken with all members stating Aye. No members stating Nay. The matter was tabled to the October 1st meeting.

Street Commissioner Ron Collins stated that he they have been waiting for utility work to be completed, and alleys to be vacated in the South Street area. Mr. Collins stated that he originally did not recommend resurfacing this area earlier this year due to heavy equipment working to complete the utility issues and the alley vacations. Mr. Collins stated that originally a contract was awarded in November 2011 in the amount or \$86,874.75 to Milestone Contractors for the resurfacing of South Street. Since all of the utility work and alley vacations have been completed he would like to move forward with the work. He contacted Milestone, the low bidder in 2011 and asked them if they would honor the original contract pricing. They requested a change order in the amount of \$10,893.00 before they would begin the work. Mr. Collins stated he has reviewed these changes, and a huge portion of the increase is for material. A discussion was held. City Attorney Gray stated that she has not had an opportunity to look at this contract. Mr.

Swinehamer made a motion to table this matter until the October 1st meeting, seconded by Mr. Barnett. A voice vote was taken with all members stating Aye. No members stating Nay. The matter was tabled.

Adjournment

As there was no further business to come before the Board of Works a motion was made and seconded to adjourn. The meeting adjourned at 6:05 p.m.

Respectfully submitted,

Janet P. Alexander, Clerk-Treasurer
Enrolled: 9/28/2012

Joseph McGuinness, Mayor

Attest:

Janet P. Alexander, Clerk-Treasurer