City of Franklin
COMMON COUNCIL

City Council Chambers
70 E. Monroe St.
Franklin, Indiana 46131

Monday, September 19, 2011 @ 6:30 p.m.

Presiding Officer:	Mayor Fred Paris
Members Present:	Dr. William T. Murphy, President Mr. Joseph Abban Mr. Joseph Ault Mr. Kenneth W. Austin Mr. Stephen D. Barnett Mr. Stephen D. Hougland
Members Absent:	Mrs. Ann Gordon
Also Present:	City Attorney Robert H. Schafstall, Clerk Treasurer Janet Alexander and Clerk Treasurer's Assistant Kathy Cragen

Mayor Paris opened the meeting and asked the Clerk-Treasurer to call the roll. Dr. Murphy offered the invocation, which was followed by a recitation of the Pledge of Allegiance.

CONSENT AGENDA

Mayor Paris presented the consent agenda for approval.

- Approval of the August 15, 2011 Common Council Minutes

  Dr. Murphy made a motion to approve the August 15, 2011 minutes, seconded by Mr. Ault. The motion carried.

Mr. Barnett made a motion limiting the Consent Agenda to transfers less than $500.00. This was seconded by Mr. Abban. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

Budgetary Resolution 11-03 A Common Council Budgetary Resolution Transferring monies from the 300 series to the 200 series in Fund 248 PSAP 911
Deputy Police Chief Tennell came forward and explained that the department wished to transfer $24,000 from line item #300 Professional Services in the PSAP 911 Fund to line item #200 Supplies to purchase a replacement computer console for dispatch and in-car radios and laptops as needed. A discussion was held. Mr. Abban made a motion to approve, seconded by Mr. Austin. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

ANNOUNCEMENTS, PRESENTATIONS

Telecommunications Commission 2013 Introduction of Cinergy MetroNet

Frank Schumacher President of the Telecommunications Commission came forward and gave an overview of the Cinergy MetroNet service explaining that this is a high speed broadband internet service that would be available in Franklin and other parts of Johnson County. He presented the Council with a resolution from the Telecommunications Commission: Telecommunications Resolution 11-01 which was read aloud by Mayor Paris.

Resolution 2011-01 Resolution Concerning Fiber Broadband To The Premise Network

Whereas, broadband service access has become as vital to the economic well being of cities and their citizens as highways, railheads and streets; and

Whereas, broadband access is a vital component of economic development, learning, communication and other services; and

Whereas, fiber broadband to the premise (FTTP) means universal technical access which can positively impact the economic, social and cultural lives of the citizens of Franklin and Johnson County through high speed access to information, business, education and governmental applications; and

Whereas, FTTP infrastructure is a vital component of economic development, distance learning, telemedicine, telecommuting and other services improving overall quality of life in the community; and

Whereas, the City of Franklin can be instrumental in fostering a partnership for broadband deployment; and

Whereas, MetroNet has other investment opportunities in other communities;

BE IT RESOLVED that the Franklin Telecommunications Council request and recommend the full support by the City of Franklin for MetroNet's proposal.

DULY ADOPTED on this 19th day of September, 2011, by the Telecommunications Council of the City of Franklin, Johnson County, Indiana

Mr. Schumacher stated that the Telecommunications Commission has given their full support to Cinergy MetroNet. Mr. Steve Biggerstaff of Cinergy MetroNet came forward and gave the Council information about the company. Mr. Biggerstaff stated that they are a telecommunications company based in Evansville, Indiana; they are an all fiber communications network with 35,000 miles of fiber, high speed internet, television, etc. Mr. Biggerstaff told the Council that they are planning a new infrastructure designed specifically for Franklin, and this would include a retail store in Franklin as well. This service would have no impact on taxpayers. Attorney Richard Starkey of Barnes & Thornburg also spoke on behalf of Cinergy Metro Net. The organization has already met with the Redevelopment Commission and will be meeting with the towns of Whiteland, and New Whiteland. A discussion was held. Mr. Biggerstaff stated that if the technology TIF is reviewed and approved by the RDC, the project would start after the first of the year.

Mayor Paris also told the Council that he went to the budget hearing at the Courthouse Annex last week concerning the non-binding recommendation of our City budget and believes that we are on target with our budget appropriations.

PUBLIC COMMENTS

Mr. Gary Moody came forward and handed out information to the Council. Mayor Paris told Mr. Moody that in the future all printed information should be submitted in advance of the meeting.

Proclamation of Breast Cancer Awareness Day

Mayor Paris stated that October 13th has been designated Breast Cancer Awareness day in Franklin, Indiana, and thanked Mr. & Mrs. Garry Petersen for their work on this project. Mr. Joe Ault stated that although the Petersen's could not be present tonight they asked that the proclamation be read out loud to the Council. At the request of the Mayor, Mr. Ault read the proclamation aloud.

OLD BUSINESS

Ordinance Number 11-06 of the City of Franklin, Indiana: An Ordinance Regulating Golf Carts

City Attorney Schafstall stated that the original Ordinance 11-06 was introduced at the last meeting and stated that there must be a motion on this original ordinance before moving forward on the revised ordinance. A discussion was held. Mr. Ault made a presentation including YouTube videos in opposition to the adoption of an ordinance permitting the use of golf carts on City streets.

Mr. Barnett made a motion to amend Ordinance Number 11-06 [of the City of Franklin, Indiana: An Ordinance Regulating Golf Carts] saying, "I would like to put everything that Kenny put in there except for the streets, I would like to leave Joe's streets, and everything else that Kenny come up with. So it is half and half. And I would also like to add North Main and South Main. This gets everybody in their neighborhood." A discussion was held. Mr. Austin seconded Mr. Barnett's motion. Dr. Murphy made a motion to further amend the ordinance by setting a limit on the minimum age of occupants to 16 years of age and deleting the 48 lbs weight limit. There was no second to his motion. Mayor Paris called for the question on the amendment. Mr. Austin made a motion, seconded by Mr. Barnett to close the discussion. The members were polled and the votes cast were as follows:
Ayes: Abban, Austin, Barnett, Hougland.
Nays: Murphy, Ault.

The motion to amend carried.

Mr. Schafstall summarized the components of the amended ordinance for all present. He listed the following significant changes:

- *registration fee is reduced from $200 to $100*
- *re-registration and transfer fee is reduced from $100 to $50*
- *operational regulations now require that the cart must be maintained in proper working conditions but not according to factory specifications*
- *not required to be maintained according to factory specifications,*

- *golf carts may be altered – with exhaust emission controls*
- *no longer regulating operational maximum speed,*
- *we do not require horns or a windshield,*
- *allowing them to be driven at night*
- *upping the permissible roads to those with speeds up to 40 mph*
- *golf carts may operate at 30 mph,*
- *removing requirement for flashing lights visible for 360 degrees,*
- *48 lb limit for passengers,*
- *remove requirement that it complies with all other applicable requirements of indiana code relative to vehicles in traffic,*
- *allowing oversized tires, lift kits, altering the center of gravity,*
- *we are not limiting crossing major roadways to stop light intersections,*
- *offense fees are reduced from 1st from 100 to 50, 2nd 200 to 100, 3rd increase the penalty from 250 to 300*
- *removing the police departments ability to seize and impound, removing the ability to revoke registration until 4th offense in 1 year*

A discussion was held.

Mr. Austin made a motion stating that "I would like the golf carts to not be allowed on any streets with a speed limit greater than 30 mph, and also night use would be prohibited and golf carts should not be allowed to exceed 25 mph and they also need to cross at stop lights on main thoroughfares. He repeated, "They cross at stop lights, may not be allowed to go faster than 25 mph, they are not allowed on any street greater than 30 mphs, and they may not be used in the evening, and this is in the form of a motion." Mr. Barnett seconded this motion. A discussion was held concerning the age limit versus the 48 lb weight limit. They also discussed height limitations versus age limitations. Mayor Paris called for the question on Mr. Austin's proposed amendment. The members were polled and the votes cast were as follows:
Ayes: Abban, Austin, Barnett, Hougland.
Nay: Ault, Murphy.

The motion to amend carried.

Mr. Ault made a motion to include an age restriction of 16 and above and to add the 360 degree amber flashing lights. The motion was seconded by Dr. Murphy. The Mayor called for a vote on the question. The members were polled and the votes cast were as follows:
Ayes: Abban, Ault, Austin, Barnett, Hougland, Murphy
Nays: None

The motion to amend carried.

Mr. Hougland stated that he would like to make a motion "going back to the original idea of no alterations to the engine or suspension as respective of factory specifications". The motion was seconded by Mr. Abban. A discussion was held. Mayor Paris called for the question. The members were polled and the votes cast were as follows:

Ayes: Abban, Ault, Hougland, Murphy.
Nays: Barnett, Austin.

The motion to amend carried.

Mayor Paris stated that the amended ordinance 11-06 is presented for adoption. Mr. Austin made a motion to approve Ordinance No.: 11-06 as amended. Mr. Barnett seconded the motion. The members were polled and the votes cast were as follows:
Ayes: Austin
Nays: Barnett, Ault, Abban, Hougland, Murphy

The motion to adopt failed and the proposed amended ordinance was defeated.

Ordinance 11-07 Regulating Door to Door Solicitation
Dr. Murphy made a motion to table the ordinance regulating door to door solicitation until the next meeting, seconded by Mr. Austin. A voice vote was taken with all members stating Aye. No members stating Nay. The item was tabled.

NEW BUSINESS

Discussion of Development in Franklin
Local realtor Joe Class thanked the Council for working to make Franklin a first class City and also asked the Council for their ideas for uses for the Alexander building located at 97 E. Monroe Street.

Presentation on Use of Old Fire Station #22, and Old Street Department
Mr. Mike Welsh and Mr. Bob Welsh presented their plan for an Indiana Auto Museum (IAM). Mr. Welsh stated that they are looking for a home for this museum and hope to work with the City of Franklin using the former Fire Station and the former Street Garage buildings located on Hamilton Street. Mr. Welsh showed a video of the vehicles, all of which were manufactured in Indiana. He stated that their goal is to find a location for this museum. He offered the City $25,000 for these buildings. Mr. Welsh stated that he would donate 20 cars for the museum including checkered cabs. A discussion was held. Mayor Paris stated that both properties were appraised at around $450,000.00. Mayor Paris stated that it would take a really strong business plan before he could let this property go for this amount. The Mayor thanked Mr. Welsh for his presentation.

Ordinance 11-08 - An Ordinance Approving Vacating Right-Of-Way Within the City of Franklin, Indiana Between Lots 49 & 50 of John Herriott's North Addition
Senior Planner Joanna Myers introduced the proposed ordinance for an alley vacation and explained that Mr. Gordon Allen who is one of the petitioners for the alley vacation was also present. Ms. Myers stated that Mr. Allen, and Deloris Goldsmith brought this matter to her attention, and asked for this to be set for public hearing at the October 3rd Council meeting. Mr. Allen stated that all neighboring adjoining property owners have been notified. This matter is set for Public Hearing October 3rd.

Resolution 11-06 A Resolution Waiving Non-Compliance With Respect to Indiana Hydraulic Equipment Corp. Tax Abatement Compliance Requirements

Planning Director Krista Linke came forward and stated this matter was discussed by the Economic Development Commission (EDC) at their meeting held last week and they recommended that the Council approve the waiver. Mr. Austin made a motion to approve, seconded by Mr. Abban. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

Budgetary Ordinance 11-09: An Additional Appropriation - Cemetery Trust Fund for the Cemetery Restoration Project

Cemetery Sexton Richard DeWitt introduced his proposed budgetary ordinance requesting the appropriation of $14,420 for restoration of the cemetery chapel and other repairs needed in the Cemetery. This is set for public hearing at the next regular meeting.

OTHER BUSINESS

Mayor Paris made the announcement that nothing had changed as far as golf carts are concerned stating that the use of golf carts on City streets is still illegal.

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 10:20 p.m. The next regular meeting will be held Monday, October 3, 2011 at 6:30 p.m.

Respectfully submitted,
Janet P. Alexander, Clerk-Treasurer

Enrolled: 9/30/2011 Approved by Common Council: 10/3/11