

**City of Franklin
COMMON COUNCIL**

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

Monday, November 7, 2011 @ 6:30 p.m.

Presiding Officer: Dr. William T. Murphy, President

Members Present: Mr. Joseph Abban
Mr. Joseph Ault
Mr. Kenneth W. Austin
Mr. Stephen D. Barnett
Mr. Stephen D. Houglan

Members Absent: Mrs. Ann Gordon

Also Present: City Attorney Robert H. Schafstall, Clerk Treasurer Janet Alexander and
Clerk Treasurer's Assistant Kristi Bruther

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

Consent Agenda

Dr. Murphy presented the consent agenda for approval.

- o Approval of the October 17, 2011 Common Council Minutes

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

Old Business

**Resolution 11-07 - A Resolution of the Common Council of The City of Franklin, Indiana
Approving the Consolidation of Economic Development Areas and Related Matters**

Legal Counsel, Robert H. Schafstall, explained that this matter is on the agenda since it was tabled at the last meeting. He explained that the Council could vote on the matter or could continue to table the matter, and that there is no time limit. Clerk-Treasurer Janet P. Alexander explained that the consolidation of the districts would simplify the accounting process. Discussion held. Mr. Abban, seconded by Mr. Barnett, made a motion to deny Resolution 11-07. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried and the Resolution 11-07 was denied.

New Business

City Of Franklin Budgetary Ordinance No.: 11-10 An Additional Appropriation Ordinance

Police Chief Tim O'Sullivan appeared before the Council to present Budgetary Ordinance 11-10 to appropriate additional monies from the JAG Byrne Grant in the amount of \$10,762. The total grant amount equaled \$34,000, and the amount allocated to the Franklin Police Department is for equipment that the City will own. He explained that this involved an interlocal agreement with other local law enforcement agencies and would be used to purchase laser training equipment. Discussion held. Mr. Ault, seconded by Mr. Barnett, made a motion to read by title only. Budgetary Ordinance 11-10 was read by title only. Mr. Barnett, seconded by Mr. Austin, made a motion that Budgetary Ordinance 11-10 be approved. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried. This matter will be considered for public hearing and approval at the next meeting, November 21, 2011. Mr. Abban, seconded by Mr. Mr. Ault, made a motion to approve the Interlocal Agreement between City of Franklin, Greenwood Police Department, and Johnson County Sheriff's Office. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried and the Interlocal Agreement was approved. Chief O'Sullivan explained that the Department has applied for another grant which will be presented for consideration in an upcoming meeting.

City of Franklin Budgetary Resolution 11-04 Creating An Appropriation Line Number and Authorizing A Transfer

Dr. Murphy introduced Council Budgetary Resolution 11-04 creating an appropriation line number and authorizing a transfer for consideration. Mr. Hougland, seconded by Mr. Abban made a motion to read by title only. Resolution 11-04 was read by title only. Council members consented that the presentation by Gary Moody under Other Business be considered at this time before further discussion on the Budgetary Resolution 11-04.

Mr. Ault, seconded by Mr. Barnett, made a motion to change the name of the first matter under "Other Business" in the minutes to "Presentation Concerning the Department of Engineering". A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

Other Business

Gary Moody's Presentation Concerning the Department of Engineering

Gary Moody appeared before the Council to discuss his concerns with the Department of Engineering and referenced materials provided to the Council prior to the meeting. These documents included the following:

1. Common Council Minutes from the November 25, 2002 meeting (which includes the vote on the passage of Ordinance 02-13: An Ordinance Establishing a Department of Engineering).
2. City of Franklin Municipal Code Chapter 2.52: Department of Engineering.
3. Page 10 of the State Board of Registration for Professional Engineers/Compliance of Indiana Code, including statutes on "practicing without license" and "use of engineer in political subdivision job title".
4. Transcript of Pages 25 and 26 of Common Council Meeting dated August 4, 2008.

5. Page 1 of Rule 13 Annual Report, prepared by Mayor Paris on August 4, 2008 (which includes Todd Wilkerson given the title of “City Engineer”).
6. Page 1 of Rule 13 NOI Letter, prepared by Mayor Paris on September 3, 2008 (which includes Todd Wilkerson given the title of “City Engineer”).
7. Consumer Complaint Form submitted by Gary W. Moody to the Office of the Indiana Attorney General, Consumer Division, on September 15, 2010.
8. Motion for Order to Cease and Desist from the Office of the Attorney General.

Discussion held. The Council resumed conversations regarding Budgetary Resolution 11-04 Legal Counsel, Robert H. Schafstall, explained that it is his legal opinion that the resurfacing of South Street does not include the practice of engineering. It was also explained that the City Engineer Trent Newport is supervising the project. Quotes on the project were opened during the Board of Public Works and Safety (BOW) meeting on November 7, 2011, ranged from \$86,000 to \$125,000, in which the lowest bid from Milestone was below the Engineer’s estimate. BOW Member Dan Murray appeared before the Council to explain that the quotes were taken under advisement and that he would request that the Council transfer the monies at least up to the amount of the Engineer’s estimate.

Mr. Barnett, seconded by Mr. Hougland, made a motion to amend Resolution 11-04 to change the amount to \$110,000 and to include that the money be used exclusively for the paving work on South Street Project. Mr. Ault, seconded by Mr. Hougland, made a motion to read Resolution 11-04 as amended. Resolution 11-04 was read by title only. Mr. Barnett, seconded by Mr. Ault, made a motion to approve as amended. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

Department Reports

Council members were provided with Department Reports.

Announcements, Presentations, & Council Member Comments

No one requested to speak.

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 7:17 p.m. The next regular meeting will be held Monday, November 21, 2011 at 6:30 p.m.

Respectfully submitted,
Janet P. Alexander, Clerk-Treasurer

Enrolled: 11/17/2011

Approved by Common Council: 11/21/2011