City of Franklin
COMMON COUNCIL

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

Monday, April 19, 2010 @ 6:30 p.m.

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

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

CONSENT AGENDA

Dr. Murphy presented the consent agenda for approval.

- Approval of the April 5, 2010 meeting minutes
- Budget Resolution 10-02: Fire Merit request to transfer funds between major series

Mr. Ault, seconded by Mr. Abban, made a motion to approve the consent agenda as presented. The motion carried and the consent agenda was approved.

OLD BUSINESS

Resolution No. 10-07 – A Resolution Approving An Interlocal Agreement Between The City Of Franklin, Indiana And Johnson County, Indiana Relative A Project Commonly Known As The "Home Avenue Bridge Rehabilitation Project"

Mr. Ault made a motion to read by title only, seconded by Mr. Austin. Dr. Murphy read the title. City Attorney Rob H. Schafstall told the Council that this was ready for adoption. Mr. Ault gave a summary of what this ordinance entailed. A discussion was held. Mr. Barnett made a motion to approve, seconded by Mr. Austin. The motion carried.

Public Hearings

City of Franklin Ordinance No. 10-04 An Ordinance Approving Resolution Number 2009-30 of The City of Franklin, Indiana Plan Commission, Rezoning Certain Property to Downtown Overlay (DT-OL) (To Be Known as the Downtown Overlay Zoning Ordinance Amendment)

Mr. Austin made a motion to read by title only, seconded by Mr. Barnett. Dr. Murphy read the ordinance aloud by title only.

Planning Director Krista Linke provided an overview of the proposed ordinance. Ms. Linke stated that Mr. Jim Kienle of Moody Nolan Architects and Ken Remenschneider of Remenschneider & Associates were here to answer any questions that anyone might have concerning this project. Ms. Linke told the Council that this ordinance must be approved or denied by June 15, 2010 and that any amendments must go back to the Plan Commission. Information concerning this ordinance is available on the City Website. Ms. Linke is asking the Council to approve, deny or amend this ordinance tonight.

Dr. Murphy asked if anyone from the public present wished to speak for or against the proposed ordinance. The following individuals addressed concerns and / or support of the proposed ordinance.

1. Resident Bob Swinehamer came forward to speak against the ordinance.
2. Resident Edward Vandivier of E. King Street came forward to speak against the ordinance.
3. Resident Vicki Stakleback of 30 W. South Street and business owner at 98 W. South Street spoke against the proposed ordinance.
4. Resident Sheila Barr told the Council that when Franklin Heritage started in 1984 people were glad to see properties on Martin Place restored. Ms. Barr stated that maybe the ordinance should not be as restrictive, but still preserve older buildings.
5. Resident Bob Tolliver of 260 W. Madison Street came forward to speak in opposition to the proposed ordinance.
6. Resident Al Welberry commented on the ordinance.
7. Resident Ron Collins of 60 N. Water Street told the Council that he is not in favor of this Ordinance.
8. Resident Mike Auger of 432 Walnut Street spoke in favor of the ordinance.
9. Resident Gary Moody of 299 ½ Madison Street stated that as far as historic restoration goes that he feels the City is moving backward.
10. Resident Don Haddock stated that he had plans to paint, and do work on his property and asked whether he would be required to have a permit to do work on his home.
11. Resident Nancy Collins of 60 N. Water Street spoke against the ordinance.
12. Mr. Jim Kienle from Moody Nolan Architects came forward to explain how he went about drafting the guidelines included in this ordinance. Mr. Kienle stated that these guidelines were based on the Secretary of Interiors standards for all structures. Mr. Kienle told the Council that there is a significant increase in real estate values in areas where this type of work has been completed. He said that this would be a positive thing to do for the City's historic districts and that it would enrich the community. Mr. Kienle feels that this ordinance can be tweaked to work for this community. A discussion was held.
13. Property owner Dave Dowden stated that he thinks the ordinance will require people to spend a lot of time in the affected area.

14. Resident Fran Leeper asked the Council what will happen when the Plan Commission is not happy with how the rest of the City looks.

Dr. Murphy stated that the Council has similar concerns about the ordinance as it is now written and said he would like to appoint a committee of three council members to review the proposed ordinance and prepare recommendations.

Council member Austin asked the City Attorney how they should move forward with this ordinance. City Attorney Rob H Schafstall stated that Council could approve the proposed ordinance as it is written, they could reject it, they could also table or amend it in some way, and then it would go back to the Plan Commission. Mr. Austin stated that he felt Council should move forward with section of the ordinance affecting the business district, but he has reservations about the residential portion. Mr. Barnett agreed with Dr. Murphy and stated that he would like to work with a committee to come up with amendments to be sent back to the Plan Commission. Mr. Ault suggested that the Council reduce the impact area to the downtown business area only, and remove the residential areas. Mr. Austin made a motion to table this ordinance, seconded by Mr. Abban. The ordinance was tabled. Dr. Murphy appointed a study committee consisting of Mr. Ault, Mrs. Gordon, and Mr. Barnett to review the ordinance and recommend changes. Dr. Murphy stated that Mr. Barnett would be serving as the committee chairman.

Ordinance No. 10-05 – An Ordinance Approving Resolution No. 10-03 of the City of Franklin, Indiana Plan Commission, Rezoning Certain Property to IBD (Industrial: Business Development) (To be known as the RSW Development Rezoning Commitment Modification) – Public Hearing

Mr. Barnet made a motion to read the proposed ordinance aloud by title only, seconded by Mr. Ault. Dr. Murphy read the title aloud. Planning Director Krista Linke came forward and explained the request. Ms. Linke stated that this ordinance was introduced on April 6th. Petitioner Mike Waugh came forward and explained that he wants to add open parking for boats and vehicles. Ms. Linke stated that the Plan Commission and the Planning Department had approved this request. Mr. Austin made a motion to approve, seconded by Mr. Abban. The motion carried.

NEW BUSINESS

Introductions

Ordinance No. 10-03 – An Ordinance Regulating the Placement, Collection, and Disposal of Garbage, Trash, Refuse, Yard Waste, White Goods, and Heavy Trash Within the City of Franklin, Providing for Mandatory Curbside Recycling, and Providing Penalties for Violation of This Ordinance

Mr. Ault made a motion to read by title only, seconded by Mr. Austin. Dr. Murphy read the title. This ordinance is set for public hearing on Monday, May 3, 2010.

Resolution No. 10-02 Of The City Council Of The City Of Franklin, Indiana, Authorizing The Submittal Of The Disaster Application To The Indiana Office Of Community And Rural Affairs And Addressing Related Matters

Mr. Austin made a motion to read by title only, seconded by Mr. Abban. Dr. Murphy read the title. Mr. Austin made a motion to approve, seconded by Mr. Abban. The motion carried.

Resolution No. 10-08 A Resolution Authorizing The Use Of Certain Credit Card Accounts (And Repealing Resolution No. 07-04)
Mr. Ault made a motion to read by title only, seconded by Mr. .Abban. Dr. Murphy read the title. Clerk-Treasurer Janet P. Alexander told the Council that this resolution is to approve adding a credit card for MS4 for necessary purchases. Mr. Austin made a motion to approve, seconded by Mr. Ault. The motion carried.

JAG/Byrne Grant Application – Police Department
Deputy Chief O'Sullivan came forward to explain this Grant. This grant if received will be used to purchase new video and audio equipment for the Police Department. Deputy Chief O'Sullivan is asking for approval to apply for this grant. Mr. Abban made a motion to approve applying for the grant, seconded by Mr. Barnett. The motion carried. Deputy Chief O'Sullivan stated that the application will be completed in about a week, and will need to be signed by Dr. Murphy.

OTHER BUSINESS

Status of Franklin's Trees and the Franklin Tree Board
Chairman Don Haddock came forward and summarized the activities of the Tree Board over the last 14 months. Mr. Haddock stated that the Board has applied for re-certification as a Tree City. At the conclusion of his comments, Mr. Haddock stated that he is resigning from the Tree Board. City Resident Sheila Barr came forward and told the Council that she was on the Tree Board but resigned due to the lack of cooperation between the Board and City employees. Board Secretary Debbie Swinehamer questioned the removal of street trees at the Cemetery. Ms. Swinehamer also stated that he two arborists hired by the City where not the first choice of the Tree Board.

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 8:50 p.m. The next regular meeting will be held Monday, May 3, 2010 at 6:30 p.m.

Respectfully submitted,
Janet P. Alexander, Clerk-Treasurer

Enrolled: 4/28/10 Approved by Common Council: 5/3/10