

CITY OF FRANKLIN
BOARD OF PUBLIC WORKS AND SAFETY
Meeting Minutes
June 2, 2009

Opening

Mayor Paris called the regular meeting of the Board of Public Works and Safety to order at 9:42 A.M. in the council chambers of City Hall.

Roll Call

The roll was called and members Joe Ault and Dan Murray were present.

Also present were: Police Chief Stan Lynn, Fire Chief Jim Reese, Sewer Billing Office Manager Brenda Poe, Senior Planner Joanna Myers, DPW Superintendent Rick Littleton, Director of Engineering Todd Wilkerson, Street Commissioner Steve Compton, Cemetery Sexton Richard DeWitt, Parks Superintendent Chip Orner, Clerk-Treasurer Janet P. Alexander, Clerk-Treasurer Assistant Kathy Cragen, and City Attorney Robert H. Schafstall

Mayor Paris offered an invocation immediately followed by the Pledge of Allegiance.

Public Comments

Mayor Paris asked if anyone from the community had anything to bring before the Board that was not on the agenda. Mr. Moody came forward regarding Bastin and Logan's removal of trees along Young's Creek that he initially reported to the Board at their meeting April 7, 2009. He stated that he was following up. Staff Planner Joanna Myers reported that she met with Toby Adams with DNR on May 20, 2009 in regards to the Bastin-Logins site. Their report recommended the debris be removed. The topic is on the agenda at next Board of Public Works and Safety meeting for final resolution, per Mayor Paris, who will read Myers' full report on the matter. Mayor Paris also asked Moody to submit any evidence in his possession to the Police Department.

Mr. Ron Collins came forward, and observed the inability of Street Dept. to do their job properly: haphazardly parked cars cause City employees to waste time while trying to sweep the streets. Mr. Collins recommend that the City take proactive measures, such as alerting the community when sweeping is to take place and establishing a comprehensive grid layout of road miles needing maintenance. Mr. Collins is willing to volunteer his time stating that (he has 25 years experience in maintenance and operations). Street Commissioner Compton welcomed this collaboration, stating that the City will work with Mr. Collins.

Consent Agenda

1. Minutes of the May 18, 2009 Board of Works Meeting
2. Accounts Payable Voucher Register
 - o #052209 BOW Utilities in the amount of \$111,821.23
 - o #052309 Sewer Utilities in the amount of \$790.94
 - o #052509 RDC-TIF in the amount of \$8,230.50
 - o #052709 May Payroll in the amount of \$705,218.95
 - o #053009 Sewer Utilities in the amount of \$11,142.94
 - o #052909 BOW Utilities in the amount of \$89,267.45
 - o #060109 Sewer Utilities in the amount of \$32,940.59

- #060209 BOW Meeting in the amount of \$36,483.26
- #052409 1st Quarter PERF in the amount of \$495,960.26

Mayor Paris made a motion to approve the Consent Agenda. Mr. Murray seconded, Mr. Ault abstained. The motion carried.

OLD BUSINESS

Recommendation concerning Supplemental Insurance Benefits

Zach Burton stated that he and a committee of employee representatives met with both potential insurance companies and unanimously decided upon HM Insurance. The committee's next step will be to meet with them next Tuesday. Clerk-Treasurer Janet Alexander commended the committee and various departments for diligent, thoughtful work. She then briefly elaborated on the logistics of supplemental life insurance as it will apply to the employees of the City of Franklin. The new policy will offer gap coverage between current short term disability and long term disability as well as supplemental life insurance. HM will be the exclusive payroll deduction, and after August 1, 2009 all employees holding policies with other companies will be fully responsible for maintaining those policies. Mrs. Alexander asked the board to affirm this decision to offer HM as the supplemental insurance provider for the City of Franklin.

Proposed lease of 71 East Court Street a.k.a. the Deere Building

City Attorney Robert H. Schafstall received the signed lease from Mr. Petro. However, he would like to wait until bids are opened before signing this lease. Mr. Ault made a motion to approve for the Mayor to sign this lease after all new bids have been opened, seconded by Mr. Murray. Motion carried.

Replacement of Windows at Station #21 – project award

Clerk-Treasurer Alexander stated that the low bidder for this particular project was a City-employed firefighter who does not have a conflict of interest form on file. Mayor Paris stated that the firefighter in question will need to file this document before any work concerning the window replacement project can progress.

NEW BUSINESS

Deere Building/City Hall Construction Bid Openings

Board Member Murray disclosed a conflict of interest with Yarnell Electric Company. City Attorney Robert H. Schafstall opened the bids. They were as follows:

Contractor Name	<u>Waugh Company</u>	<u>The Sullivan Corporation</u>	<u>Hasser Construction Company, Inc.</u>	<u>DeWees Construction, Inc.</u>	<u>H.E. Henderson, Inc.</u>
Base Bid	\$289,439.00	\$454,210.00	\$336,350.00	\$354,500.00	\$394,156.00
Alt. #1		+\$10,200 (Granite Countertops)	+\$9,000 (Granite Countertops)	+\$16,200 (Granite Countertops)	+\$75,000 (Granite Countertops)
Alt. #2		+\$73 each (Manual Pull Station)		+\$25,500 (Alarm System)	

Alt. #3		"+\$90 each (Horn Strobe)			
Alt. #4		"+\$83 each (Strobe only)			
		"+\$89 each (Smoke Detector)			
		"+\$0.75 per ft (Fire Alarm Cable)			
		"+\$3.10 per ft (Fire Alarm Conduit)			
		"+\$0 (Increase size of control panel)			

There was a brief discussion about eliminating some of the planned cabinetry to lower the cost of some of the bids, but no decision was reached. Mayor Paris made a motion to take these matters under advisement and discuss them again at the next meeting. The motion was seconded by Mr. Ault, and the motion carried. The project architect Steve Alexander will talk with the low bidder as well as scrutinize old equipment to see which aspects could be tweaked to lower these bids.

Employment Status Review – Executive Session Comments

Mayor Paris stated that they had an executive session this morning concerning Mr. Jackie Brockman of the Street Department. After meeting with Mr. Brockman this morning, Mayor Paris would like to take the matter under advisement for the next couple of weeks while Clerk-Treasurer Alexander further researches possible solutions. A final decision will be made in an open session two weeks from today. Mayor Paris made a motion to take this under advisement, seconded by Mr. Murray. Motion carried.

Tree Board questions concerning right of way

Mayor Paris stated that the Tree Board has asked which trees they should be maintaining. The Mayor recommends taking the matter under advisement, and coming up with basic rules stipulating distances between the ranges of 5 to 10 feet from the edge of the pavement and so on. Mr. Ault stated that whatever may be decided, the rules need to be kept the same throughout the city, as the old ordinance does not state a specific distances. There were also budget questions about how much to spend on fertilizing and other expenses.

Sidewalk ordinance revisions

City Attorney Rob Schafstall reported that the existing ordinance which enables us to bill homeowners for partial cost of sidewalk repair and replacement is insufficient for the needs of Franklin citizens as well as the City of Franklin and requests that he, Todd, and Steve work together to try to come up with a new plan concerning installation of sidewalks. The Mayor suggested considering budgeting money for repair of city sidewalks in the future, citing problems that arise when no cohesive plan exists to maintain a cohesive and aesthetically pleasing community facility. Mr. Murray made a motion that this committee be allowed to look into this matter, which was seconded by the Mayor under the condition that the action does not impede the completion of preexisting maintenance projects. The motion carried.

Federal Surplus Property Program Application

Mayor Paris reviewed the program and believes that all departments would benefit from participating in this program. Mayor Paris made a motion to approve and give department heads a chance to sign up for the Federal Surplus Property Program, and Mr. Murray seconded. The motion carried.

BGB Productions request for permission to conduct filming in alley next to Benjamin's Coffee Shop

Mr. Larry Jones came forward on behalf of his crew to ask permission to film a scene for their movie in the alley next to Benjamin's Coffee Shop on an upcoming Saturday or Sunday in the near future. The company has talked to the owners of Benjamin's and Kira's Cottage and hoping to come up with a specific date in the next couple of weeks. Filming would last approx. 4 hours and involve roughly 30 actors. BGB Productions would like to close E. Court Street (or at least 4 to 5 parking spaces) as well as the alley. Mayor Paris stated that they would only be able to film after 2:00 p.m. on the chosen date, and would have to notify Street Dept. two days in advance. Mr. Ault made a motion to approve blocking the aforementioned alley as well as 4 to 5 parking spaces in front of 45 E. Court St. on the date to be provided, which was seconded by Mayor Paris. The motion carried. As an afterthought Mayor Paris reminded Steve Compton to remove the preexisting barricades on the east side of that building, as they are no longer needed.

Safety Sensitive Position as it relates to the Employee Drug Testing Policy

Clerk-Treasurer Alexander stated that we recently adopted a new policy concerning employee drug testing. Prior to this new policy all full and part time employees were required to undergo drug screening. In the new policy the definition does not include the part time parks employees such as lifeguards, childcare workers, etc. She suggests that the policy be reviewed so that all definitions and titles are clear and reflect the accountability of all pertinent positions. City Attorney Robert H. Schafstall stated that since this issue is one of safety, the classifications of full time, part time, and seasonal are irrelevant: instead, the natures of the specific positions need to be taken into account. Since Department heads can still order drug tests if they feel that some one needs to be tested—Parks Superintendent Chip Orner came forward and stated that he has sent and will continue to send employees in for testing should they exhibit suspicious behavior—Mayor Paris stated that he feels that the policy should be left the way it is for the time being.

Fire Department Requests/Issues

i. Proposal concerning Annual Firefighter Physicals

Three vendors approached Fire Chief Reese with quotes for performing annual fire fighter doing physicals. The Chief stated that he prefers Public Safety Medical because they offer more testing, including chest x-rays (\$79 per person right now), hearing exams (current provider does not have), EKGs for all members (not just those over age 40) etc. at a much more cost-effective expense. All physicals will be done on site at the fire station, which will cut down costs as well as bringing the Department into OSHA compliance. Mr. Murray made a motion to accept, Mayor Paris seconded with an amendment that Chief Reese check with the Sheriff's Dept to see if there is another company out there that offers comparable services and prices to Public Safety Medical, and if the Police and Fire Departments could investigate some sort of joint venture for conducting the physicals. The motion carried.

ii. Fire Truck proposals for Station #23

The Chief informed the Board that the committee has decided on specifications for a new

fire engine pumper truck. Firefighter Andrew Tames shared ballpark estimates for new fire truck received from different vendors. Quotes range between \$426,000—\$485,000. Mayor Paris asked about sending this project out to bid. Mr. Tames stated that it usually takes at least 300 days to build a new truck. Most vendors stated a finish deadline of 6 to 8 months. Mayor Paris made a motion to send out bids for this truck with an 8-month deadline, and was seconded by Mr. Ault. The motion carried.

iii. Loose Equipment for new Fire Truck

The cost estimate for the purchase of loose equipment for the new Fire Truck will run about \$112,000. The committee explained that loose equipment is what every first response fire vehicle must have. The committee recommended research on whether or not money could be saved if equipment is purchased at the same time as the truck.

iv. Fire Department Overtime Pay Rule for Civilian Paramedic/Firefighter Paramedic Time Trades

Mayor Paris stated that this issue is on the agenda because of a question concerning the reimbursement of a firefighter called in to fill a civilian paramedic's shift. To avoid a similar situation, Chief Reese recommends that 3 paramedics remain on duty every shift, and advocates the establishment of a part time civilian medic list just for emergency issues in the future.

Aaron Roberts – Request permission to build deck in a utility easement in Camelot Commons

Mr. Roberts came forward and stated he would like to build a deck behind his house, which would extend into a utility easement. He has letter from Embarq stating that the company does not use this easement. Mr. Wilkerson countered that this was also a drainage issue. He was contacted by Mr. Roberts' neighbors on the 17th of May. When Mr. Wilkerson went out to see what the issue was, and found that Mr. Roberts did not have building permit. Mr. Wilkerson requested Mr. Roberts halt construction. The Roberts's have since applied for a building permit, to build a 14 ft. deck. Mr. Murray stated that even though Embarq is the only utility using the easement now, other utilities have to right to use and might need to use the easement in the future. Mr. Roberts stated that he realizes that if the deck had to be removed that it would be the responsibility of himself and his family. The drainage issue will need to be addressed before the deck could be built if it was approved. A discussion was held, culminating with Mr. Murray's motion to disallow, seconded by Mr. Ault. The motion carried.

Uniform Conflict of Interest Statement from Council Member Craig Wells

Council Member Wells not present. Mayor moved to approve, seconded by Mr. Ault. The motion carried.

Scott Wagner Request for Noise Ordinance Variance June 6 & July 18, 2009 from 7:00 p.m.-11:00 p.m.

Mr. Wagner of 1833 Archie's Ct. in Paris Estates requested noise ordinance variances for two events. The first would take place on 06/06/2009 for his wife's 50th birthday party. The second would take place on 7/18 for a cookout following an annual golf tournament the Wagners have hosted for 16 years and for which they have received noise variances for the past four years. Both variances would be for 7:00-11:00 PM. Mr. Wagner explained that there will be no DJ but the stereo will be played. Mr. Ault motioned to approve and was seconded by Mr. Murray. The motion carried.

Revised Fee Schedule for the Planning and Economic Development Department

Joanna Myers stated that the existing fee schedule was last revised in 2004. The Plan Commission reviewed it and approved forwarding it to the BOW. The proposed fee schedule was provided in the packet to the BOW to review. Mayor Paris motioned to table the issue and was seconded by Mr. Murray. The motion to table carried.

OTHER BUSINESS

Colts in Franklin Saturday June 6th Chief Reese stated that he received a call today and requesting one ambulance be present during the Colts practice at Franklin College. Various locations around the college as well as the field on old 31 will be used for parking. Shuttles to and from those places and the college will be available for visitors.

Smoking ordinance goes into effect Monday June 8th Mayor Paris announced that he is hosting a meeting this Thursday at 2 PM with business owners affected, and how an allotment of state money may be available to aid business with promotion during the 30 days following the enactment of the ban. General discussion was held as to how the city is going to enforce the new ordinance. Mayor Paris made a motion to have Mr. Ault order 12 cigarette butt receptacles to be placed around town in an effort to encourage citizens to comply with the ban. Mr. Murray seconded and the motion carried. Following a question from Director of Engineering Todd Wilkerson, it was decided that both businesses allowing smoking on their premises and individuals may be cited for smoking violations. The temporary employment of an additional code enforcement officer may be necessary to aid the one full time code enforcement officer and part time officer throughout the first 30 to 60 days to enforce smoking ordinance. Chief Reese asked about complaint forms, and where they will be picked up. Joanna Myers stated that the Board of Public Works and Safety usually just receives calls. The board decided to place an ad in the paper telling people how to file a complaint for this issue. Mayor Paris suggested the times and location be set for Monday - Friday at Planning Department., where complaint forms could be picked up and returned.

Closing on the Elks Club land purchase Mayor Paris asked the City Attorney where this matter stands. Rob Schafstall stated that it could happen this week. Mayor Paris made a motion for the Board to authorize Clerk-Treasurer Alexander to write a check for the funds to close the matter. It was seconded by Mr. Ault. The motion carried.

REPORTS BY DEPARTMENTS

Police Department

Police Chief Stan Lynn stated that *America's Most Wanted* will soon be in town interviewing individuals for a special on the Dickus case, which will air sometime shortly thereafter.

Fire Department

Fire Chief Jim Reese had nothing to report at this time

Sewer Billing

Billing Manager Brenda Poe had nothing to report at this time

Cemetery

Cemetery Sexton Richard DeWitt presented a letter to the Mayor and the Board of Public Works and Safety requesting \$9,675.00 from the Rainy Day Fund to replace sections of the fence. They plan to install gates and extensions to the South Street entrance. He would also like to install 2 walk way gates for entrances and exits, and 2 sections of fence on old main entrance of cemetery. FEMA funds may be used for this project. The cemetery is also looking for more trees to plant along South Street. The Mayor motioned to allow the funds for the cemetery project. The motion was seconded by Mr. Ault. The motion carried. Mr. DeWitt also reported that the cemetery is two sections away from having the lot survey finished for Ramaker.

WWTP

Rick Littleton had nothing to report at this time.

Engineering Department

Director of Engineering Todd Wilkerson stated that he and Rick Littleton looked at the drainage problem on Ina Circle and believe fixing it is the responsibility of the railroad. Mr. Littleton has contacted the railroad and hopes this will alleviate this problem.

Planning Department

Senior Planner Joanna Myers had nothing to report at this time.

Street Department

Street Commissioner Steve Compton reported on sidewalk issues. He said he has received many requests for curb replacements. Mayor Paris stated that those particular issues will have to wait until funds and resources become available without hampering the progress of preexisting projects.

Mr. Ault stated that there is a resident living at 350 Johnson Avenue that has been burning garbage, trash, etc. A discussion was held. Similarly, the board agreed that the house on 152 Water Street, which has unsecured roofing, collapsed ceilings, trash strewn about and mold problems, needs to be secured as it is currently an unsafe building.

Adjournment

Mayor Paris made a motion to adjourn; seconded by Mr. Ault. The motion carried. The meeting adjourned at 11:51 a.m. The next meeting will be held June 16, 2009 at 9:30 a.m.

Respectfully submitted by,
Janet P. Alexander, Clerk-Treasurer

Enrolled: 6/12/09

Approved by the Board of Works: _____