CITY OF FRANKLIN
BOARD OF PUBLIC WORKS AND SAFETY
Meeting Minutes
June 16, 2009

Opening

Mayor Paris called the regular meeting of the Board of Public Works and Safety to order at 9:30 a. m. in 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, Planning Director Krista Linke, DPW Superintendent Rick Littleton, Director of Engineering Todd Wilkerson, Street Commissioner Steve Compton, Cemetery Sexton Richard DeWitt, Parks Superintendent Chip Orner, Clerk-Treasurer Assistant Kathy Cragen, and City Attorney Robert H. Schafstall

Mr. Ault 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. Stan Brown came forward on behalf of the Sons of the American Legion. Mr. Brown explained that the Legion will host their 20th annual Horseshoe-Throwing fundraiser and they are requesting a variance from the city noise ordinance on both June 26 & 27th until midnight for the bands that will be playing outside in conjunction with the tournament. Mayor Paris stated that the City only allows noise variances until 11:00 p.m. Mr. Brown stated that the stage will be faced toward the northeast, so the noise will carry across Park Avenue toward Jefferson Meadows. City Attorney Robert H. Schafstall disclosed his membership with Sons of the American Legion. Mr. Ault made a motion to approve this noise variance until 11:00 p.m. on both dates. This motion was seconded by Mr. Murray, and the motion carried.

Resident Gary Moody told the Board that the City was scoping the sewers on Jackson Street, and felt that the Board should be aware of this in case anyone would be interested in watching.

Consent Agenda

1. Minutes of the June 2, 2009 Board of Works Meeting
2. Accounts Payable Voucher Register
    - #060609 Sewer Utilities in the amount of $24,239.45
    - #060509 BOW Utilities in the amount of $353,179.92
    - #061309 Sewer Utilities in the amount of $96,399.83
    - #061209 BOW Utilities in the amount of $337,997.21
    - #061509 Sewer Utilities in the amount of $78,738.14
    - #061609 BOW Meeting in the amount of $260,989.21

Mr. Ault made a motion to approve the consent agenda, which was seconded by Mr. Murray. The consent agenda was approved.

OLD BUSINESS

Bastin Logan & DNR Update

Joanna Myers from the Planning Department came forward to give a report on the Bastin & Logan investigation as directed by the Board of Works at their last meeting. It was discovered that the City does own 1 acre of ground along the creek south of Bastin & Logan. Mrs. Myers met with Toby Adams a Compliance and Enforcement Inspector from the Department of Natural Resources regarding the complaint on tree removal. Coordinating with the Police Department, they visited and inspected the site together. Subsequent letters from the DNR state that the City simply needs to restore this area to its original condition. The violation was not based on the cutting and removal of the trees, but due to piling some of the wood debris in the floodway. She reported that employees of Bastin & Logan are already working to restore this area and removing the debris from both their site and the City's site. The police report lists 23 City trees removed. Of these, only one tree was substantial in size: 26" in diameter. Eleven were between 10 and 20", and the remaining trees measured less than 10" in diameter. Bastin & Logan has maintained this property for thirty years, and now that they are aware of the property line they have indicated that they will not be removing or placing any more items on City property. Mrs. Myers reported that both sites will soon be in compliance. Chief Lynn also noted that the report was presented to the Prosecutor's office, where it was determined Bastin & Logan had no intent of criminal activity. Trunks will be removed and used as firewood, while remaining material will be mulched and left on the property, so as not to interfere with any waterways in the case of another flood. Mayor Paris stated for the record that Mr. Moody brought this matter to the City's attention. The Department of Natural Resources did not recommend any fines. Mayor Paris made a motion that the case be considered closed with no fines assessed, and Bastin & Logan receive official notice of the property line. Mr. Moody objected stating that Mr. Pazek's report that the company had been maintaining the property for 26 years was false. He suggested that the Mayor amend his motion to require Bastin & Logan to make up for destruction of City property by donating trees to the Parks department. Mayor Paris stated that he has no problem with asking them to donate the trees, but does not feel comfortable mandating the company which was impacted financially by the flood to make a donation. The motion was seconded by Mr. Ault, and carried.

Deere Building/City Hall Construction Bid Award

Mayor Paris stated that the construction / renovation bids came in much higher than he had hoped. He recommended that the BOW reject all the bids and request that Prince Alexander re-scope the project by cutting out the AV equipment, having the building pre-wired, taking out all of the alternate bids and replacing those with alternate bids for the counters on the second and third floor. He made a motion to reject the current bids and have a special Board of Public Works and Safety meeting on June 30, 2009 at 9:30 a.m. to open new bids. Mr. Murray seconded, and the motion carried. This meeting will be in lieu of the next scheduled Board meeting.

Employment Status Review

Mayor Paris stated that he has reviewed the case of City employee Jackie Brockman, and recommends termination of employment at this time. However, if Mr. Brockman so chooses, he is welcome to go to Elwood Staffing or a similar assessment facility where he can test for computer and clerical skills that could qualify him for a different City position in the future, should one become available. Mr. Brockman came forward and asked if the City would give him a letter stating that the reason for his release was because of a work-related injury and not because of being a bad employee. Mayor Paris stated on the record that Mr. Brockman's employment termination has nothing to do with Mr. Brockman's past work for the City: it is only due to his physical inability to perform the duties associated with his position. The City would be happy to provide him with written documentation stating the same. Mayor Paris made a motion to terminate Mr. Brockman, seconded by Mr. Murray. The motion carried.

Tree Board Right of Way

Mayor Paris stated that nothing has been resolved at this time. Mayor Paris would like to keep this on the agenda until more information has been received and the matter resolved. A discussion was held. Mayor Paris made a motion to bring the matter before the City Council; the motion was seconded by Mr. Ault. The motion carried. Mayor Paris stated that the Tree Board has requested money to trim up trees and for fertilization of trees. Mayor Paris believes that the City would be better served by hiring a Forester to handles these decisions. Street Department Superintendent Steve Compton stated that a Forester would make an excellent addition to the Street Department. He stated that right now he has six employees who will be attending an Urban Tree Forestry Management class offered by DNR in the next few weeks. Mr. Compton also stated that we could have a certified arborist on our staff in two years. Mayor Paris made a motion to not act on this matter at this time, seconded by Mr. Murray. The motion carried.

Sidewalk Ordinance Revisions

Mayor Paris stated that no progress has been made at this time. City Attorney Robert H. Schafstall stated that he and Todd have met and are working on this matter. Mayor Paris made a motion to table, seconded by Mr. Ault. The motion carried.

Revised Fee Schedule for the Planning and Economic Development Department

Mayor Paris expressed disappointment that he has still not had time to review the revised fee schedule. Mr. Murray stated that the increases are pretty large, but no other increases have been made in 5 years. He stated that the proposed fees average an approximate 5% increase per year; some of them exceed this rate and should be modified, but in general he feels that most of them are justified. A suggestion was made to table the issue and make revisions. Joanna Meyers came forward and stated that she has reservations with tabling this matter and changing the content of the fee schedule. This schedule has been presented before and approved by the Plan Commission at an advertised public hearing. Also, the department has been making people aware of the planned changes for the past 4 or 5 months, and no one has filed complaints or seemed to find fault with the increases. If this fee schedule does not pass Board of Works and Public Safety, the Plan Commission would have to start over and have something different approved, which could set plans behind into next year. She offered a brief overview of how the fee schedule will work. Mr. Murray made a motion to send this to City Council with no recommendation from the BOW, seconded by Mr. Ault. The motion carried.

NEW BUSINESS

Request Concerning the Fair Parade Route

Mr. Murray made a motion to approve as requested, seconded by Mr. Ault. The motion carried.

Request for Clarification on alley status and concerns about maintenance
Bette Emry met with Planning Director Krista Linke last week. She had a question about alley behind a rental property her family owns on 665 North Main Street. There is a fence up against the property on the west side. The area of the alley/former alley has been claimed by the property owners on the other side. It was supposedly vacated so that the owner to the east could have a rose garden. However, she notes that there is no record with the County that the alley is vacated. The garden is not maintained and is overgrown to the point that it is attracting wildlife; Ms. Emry reported that some sort of wild animal now lives in the attic of her 665 North Main house, and she will have to pay to have it removed. It would be her preference to see the alley be reopened and maintained, so as to increase her property's value with off- street parking. At the very least she asked that there be some compliance in terms of clearing and maintaining the alley. Todd Wilkerson stated that they have not found this alley vacation ordinance as of this time, and is still checking on this issue. The Board asked Ms. Emry to gather more specific information from other neighbors familiar with the state of the alley. Ms. Emry also praised Planning Director Linke for her capability and prompt, responsive demeanor.

Request for no parking signs in the Fairway Lakes Subdivision – Gary Kutruff
Mr. Kutruff was not present. Mayor Paris stated that he would have to see more information before making any decision on this matter, including a petition with at least 75% of residents' signatures before considering this issue. The Mayor made a motion to table until someone from Fairway Lakes could be present to represent the community, seconded by Mr. Murray. The motion was tabled.

Cummins Crossroads Emergency Generator Planned Maintenance Agreement for the Police Department
Mayor Paris stated that he reviewed agreement, and thinks it is the same as the one that the Street Department has in place. The Mayor feels that the City has employees who can do this type of maintenance, and does not feel that a new business arrangement is necessary. Mayor Paris made a motion to deny this request, which was seconded by Mr. Ault. The motion carried.

Discussion concerning creation of position for Planning Department Attorney
Mayor Paris just wanted to keep the Board up to date on positions which he is interested in creating. He made a motion to strike this from the agenda, seconded by Mr. Ault. The motion carried.

Appointment of Fire Engine Bid Committee for June 30th opening
Mayor Paris asked Chief Reese who is going to be on this committee. A discussion was held. Mayor Paris stated that City Attorney Robert H. Schafstall, Board Member Joseph Ault, Officer Tames, Deputy Chief Lollar, and Lt. Dan McElyea would comprise the committee.

Request for Release of Security Bond – West Parke Subdivision
Todd Wilkerson stated that this request is for release of Security Bonds for Erosion Control concerns in West Parke Subdivision, which is located just off of Hospital Road and next to Arbor Springs. Mr. Murray made a motion to release the bond, which was seconded by Mr. Ault. The motion carried.

Application for Payment – MacDougall Pierce – Payment Application #2 in the amount of $18,366.20
Mayor Paris requested approval for payment. Mayor Paris made a motion to approve payment, and was seconded by Mr. Murray. The motion carried.

Request for permission to file Mowing Liens
Clerk-Treasurer Assistant Kathy Cragen explained to the Board that bills had been sent out to the property owners on the list the Board had received, and the letters were returned in the mail. The Clerk-Treasurer's office would like permission to file liens on these properties at this time. Mayor Paris moved to approve filing property tax liens. This motion and was seconded by Mr. Ault. The motion carried.

Uniform Conflict of Interest Disclosure Statement – Firefighter Ken Ford
Mr. Murray moved to accept the Conflict of interest disclosure statement, and was seconded by Mr. Ault. The motion carried.

Approval of Architect's agreement for Police Station Renovation
Mayor Paris stated that FEMA has agreed to release funding to us for this project. The City is moving forward with the architect on remodeling the Police Station. 100 ft. of linear wall on the bottom level needs to be redone under an architect's design and supervision. A training room and storage space will be added to the upper level, leaving the lower level free for detectives and office space. The total cost of the renovation is expected to be around $400,000; with the cost to City around $300,000 after FEMA money is received. Mayor Paris asked permission for City Attorney Robert H. Schafstall to make changes to the City's contract with AIA with Dan Mack of AIA Architects. Mr. Murray made a motion to approve, seconded by Mr. Ault. The motion carried.

Mayor's Updates

Police City Court Building (1 Caisson Drive) Remodeling & Fire Stations #23 & #22
The Mayor reported that the building footers were poured yesterday on Station #23. The City closed on the land owned by the Franklin Elks Lodge last Thursday. He hopes to be able to announce that he has funding secured for construction of Station #22 in the next few weeks. If that occurs construction could begin September.

City Attorney Robert Schafstall presented a Sanitary Sewer Easement between NSK and the City of Franklin for the Board's approval. Mr. Ault made a motion to approve, seconded by Mr. Murray. The motion carried.

City Attorney Schafstall stated that the Mayor entered into a memorandum of understanding with NSK pertaining to the Sanitary Sewer Easement. He presented this document stating that it is identical to the one just approved. He requested the Board to ratify the Mayor's approval. Mr. Murray so moved, seconded by Mr. Ault. The motion carried.

OTHER BUSINESS

Discussion regarding Metropolitan Planning Organization (MPO) Membership Dues

The Mayor summarized information he provided to the City Council. A discussion was held concerning the MPO's connection to various City engineering projects including the North Main Street continuation to U.S. Highway 31 and funding for the Redevelopment Commission' Gateway Project. Director Wilkerson stated that he feels confident that the City will receive funding.

REPORTS BY DEPARTMENTS

Police Department

Police Chief Stan Lynn had nothing to report at this time.

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 reported GM Fabrication has presented a proposal for the new cemetery gates approved by the Board at the last meeting. They are already in the production phase but in the proposal they requested a 40% down payment before proceeding further with the project. Mayor Paris instructed Mr. DeWitt to file all of the proper paperwork and invoices.

WWTP

Superintendent Rick Littleton had nothing to report at this time.

Engineering Department

Director of Engineering Todd Wilkerson reported that the hydraulics study is progressing nicely at this time.

Planning Department

Planning Director Krista Linke reported that the number of copies for the Technical Review Committee has been reduced from 18 to 3, along with digital copies, to save on costs for the applicants. Planning Director Linke also presented a request from Franklin Heritage concerning the scheduled restoration on the façade of the Artcraft Theatre which will start next week. They requested permission to block parking in front of the theatre between the hours of 6:30 a.m. until 5:00 p.m. daily for approximately six weeks as well as the adjacent alleyway for a week to complete this work. Mr. Ault moved to approve the request, seconded by Mr Murray. The motion carried.

Street Department

Street Commissioner Steve Compton reported that mowing continues due to the large amount of rainfall this month. The department is at the halfway mark on the tree mapping project. Mr. Ault asked if some tree stumps could be removed by the department on the side of Graham Road.

Mr. Compton will look into this matter. Mayor Paris asked about oil emulsion problem in one subdivision. Mr. Compton stated that they have applied gravel on top of the crack sealant that would not set up. He stated that they have swept the streets since putting down the sand / gravel mix and has not gotten any additional complaints. He explained that they used a new batch of oil but that it would not set-up. A discussion was held.

Adjournment
Mayor Paris made a motion to adjourn; seconded by Mr. Ault. The motion carried. The meeting adjourned at 11:07 a.m. The next meeting will be held June 30, 2009 at 9:30 a.m.

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

Enrolled: 6/25/09 Approved by the Board of Works: 06/30/09