

CITY OF FRANKLIN
BOARD OF PUBLIC WORKS AND SAFETY
Meeting Minutes
November 17, 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 Mayor Paris, Mr. Joe Ault and Mr. Dan Murray were present.

Also present were: Police Chief Stan Lynn, Deputy Fire Chief Justin Lollar, Sewer Billing Office Manager Brenda Poe, Cemetery Sexton and MS4 Director Richard Dewitt, Planning Director Krista Linke, Director of Engineering Todd Wilkerson, Clerk-Treasurer Janet P. Alexander, Communications Director Zachary Burton 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 public had any comments or questions they would like to present to the Board concerning any matter not listed on the agenda. No one asked to speak.

Consent Agenda

1. Minutes of the October 20, 2009 Board of Works Meetings
2. Accounts Payable Voucher Register
 - #102209 BOW Utilities in the amount of \$191,926.17
 - #103109 Sewer Utilities in the amount of \$1,431.16
 - #103009 BOW Utilities in the amount of \$19,792.51
 - #102809 RDC-TIF in the amount of \$2,380,360.13
 - #110509 BOW Utilities in the amount of \$224,011.34
 - #110709 Sewer Utilities in the amount of \$19,728.42
 - #111409 Sewer Utilities in the amount of \$15,867.48
 - #111309 BOW Utilities in the amount of \$187,365.75
 - #110109 Group Ins in the amount of \$1,056.00
 - #110209 RDC-TIF in the amount of \$20,384.42
 - #111809 Sewer Utility in the amount of \$38,163.82
 - #111709 BOW in the amount of \$218,868.53

There was a motion and a second to approve the consent agenda as presented. The motion carried, and the consent agenda was approved.

OLD BUSINESS

Public Hearing Concerning Proposed Lease with Option to Purchase of Certain Real Property and Improvements

Mayor Paris informed the Board and the audience that the Common Council approved the purchase of the Davidson Property for use as a headquarters for the Franklin Police Department and the Street Department. The Mayor stated that this is the advertised public hearing on the proposal and asked if anyone present wished to comment on the proposed lease purchase of the building. No one spoke up from the audience. Mayor Paris requested the Board's approval to proceed with the Council's request. Joe Ault seconded the motion, and the motion carried. Mr. Ault stated that he preferred that the Board of Works review the contract. The Mayor concurred with this statement. City Attorney Rob Schafstall stated for the record that a petition signed by at least 50 local taxpayers in favor of the Davidson purchase had been received. That document was given to the Clerk Treasurer to be filed for the record.

Mental Health Parity and Addiction Equity Act of 2008

Mayor Paris informed the Board that he has met with the City's third party administrator, Principal Financial Group and does not wish to make any additional changes to the employee medical plan at this time. He said he preferred to wait and see what 2010 had in store. The proposed 2010 employee health plan document will be presented for acceptance at the first meeting in January, possibly even at the next meeting. Mayor Paris made a motion that this be stricken from the agenda. Joe Ault seconded and the motion passed.

Request to Replace Doors at Station #21 – Bid Award

Mayor Paris stated that the bids that came in at the last meeting were not sealed and he stated that he felt they should have come in sealed. He requests that the fire department contact bidders and request that they re-submit bids to be opened at the next meeting. Mr. Ault also recommended the Department reach out to other contractors for bids. Mr. Murray made a motion to seek new bids, and to seek out new bidders. This motion was seconded by Mr. Ault. The motion passed. The new bids will be submitted on or by 9:30 a.m. December 8, 2009 prior to the next Board of Works meeting.

Amendment #1 Owner – Architect Agreement between William E Burd and the City of Franklin

Mr. Burd had requested an increase in his percentage of the projects from 5% to 6%. Board member Joe Ault moved that the Board approve the Mayor to sign the new agreement with the architect. Dan Murray seconded. The motion carried and was approved.

Contract American Structure Point Inc. - International Drive Drainage

Mr. Todd Wilkerson stated that the contract has been forwarded to the City Attorney. A motion was made to table this matter until the next regular meeting. The motion carried and the matter was tabled.

Fire Station #22 – Construction Project Bid Award

Mayor Paris made a motion to award the project to the low bidder, Construction Planning and

Management who bid \$1,652,000 for the construction of Fire Station #22 including the administration wing. Mr. Ault seconded the motion and the motion carried.

City Attorney Rob Schafstall stated that the Redevelopment Commission would be considering a \$1.7 million appropriation from the Musicland / Best Buy TIF to be used to pay for the construction of Fire Station #22 at their meeting Thursday morning and asked the Clerk Treasurer where this appropriation should go. Janet Alexander stated that it could be appropriated and encumbered within the TIF fund. She went on to say that, it might make sense to delay the appropriation until January 2010. Rob Schafstall said that the meeting is Thursday and he would check back with the Clerk Treasurer following the meeting.

NEW BUSINESS

Uniform Conflict of Interest Disclosure Statement submitted by Joanna Myers

The Mayor made a motion to accept the conflict of interest statement presented. Joe Ault seconded and the motion carried. Mr. Ault also made a motion for the board to authorize the Mayor to sign the conflict of interest statement. Dan Murray seconded and the motion approved.

Request to lower speed limit on Hurricane Road near Heritage Subdivision/Legends of Indiana – Michelle Shoemaker

Ms. Michelle Shoemaker a resident of Heritage subdivision appeared to request that the Board of Works address several concerns about the safety of Hurricane Road. She stated that are frequent accidents on this road. The fence has been struck numerous times. There is no “curve” signage. She explained that there are six entrances along the road with a 45 mph zone. It was her opinion that 45mph is too fast for people trying to turn into the entrances. She explained that the damage to the poles, street signs, poll guide wires make it advantageous to lower the speed limit. There is also an issue with street lighting. Ms. Shoemaker listed several similar roadways with speed limits between 30 and 40 mph but Hurricane Road is 45 mph.

Dan Swidron the president of the Heritage Homeowners Association stated that the Heritage HOA is in support of her request.

The Mayor stated that he didn’t see any reason why our Departments couldn’t get some warning signs up about the curve. He said our first move would be to put warning signs up on the curve and then do a speed study that would be brought back to this Board to study what the optimum speed should be. The Mayor also stated we would investigate the lighting along the roadway.

The Mayor moved that we direct the Street Department to put up warning signs, Engineering to look into lighting and the Police to do a speed study. Mr. Murray suggested also looking into moving the pole. Joe Ault seconded. The motion carried and was approved.

Request to file Code Enforcement Violation Liens – Clerk Treasurer’s Office

The Mayor moved to approve the filing of the liens for unkempt property and other ordinance violations. Dan Murray seconded and the motion passed.

Hillview Country Club Signage Variance – Jeff Eggers

The Mayor said that because he was a member of Hillview he will abstain from voting on this matter. Jeff Eggers, speaking on behalf of the Hillview Country Club Board of Director's appeared and stated that the board of zoning appeals granted a variance for the new sign. The right of way along SR 44 / frontage road has been dedicated to the City of Franklin by the State of Indiana. He stated however that if the state wants it back, they have the authority to take it back. Mr. Eggers explained that the sign assists those unfamiliar with the location of the club to find their way as it clearly marks the entrance. He pointed out that Hillview is a unique property as it has no frontage visibility and only one entrance. Mr. Murray inquired how long the sign had been there. Mr. Eggers stated he believed it had been there almost a year. Mr. Murray made a motion to allow the sign in the City's right of way, assuming that it is our right of way, and that later if it turns out it isn't our right of way, that we would not defend Hillview's right to place a sign there. Joe Ault seconded this motion and the motion approved.

Service Contracts between the City of Franklin and:

- I. Johnson County Senior Services
- II. Helpline of Johnson County (United Way Agency)
- III. Girl's Inc.
- IV. Boy's and Girl's Club of Franklin
- V. Access Johnson County

Janet Alexander presented the agency contracts for renewal. The Mayor stated that changes being made to the Boys and Girls Club contract should be included in the contract and requested to all of the Exhibit A's (program details) be submitted prior to signing. The Mayor requested that each agency be invited to the next meeting and asked to give a five minute presentation, and to provide all of the required exhibits.

Plat Review / Acceptance – Franklin Tech Park

Senior Planner Joanna Myers stated that the plat had not been reviewed. The Mayor stated that it is a priority and requested that the review be expedited.

BOW Resolution No.: 09-03 A Resolution Establishing the Release of Unkempt Property Liens Relative to the Flood Acquisition Project

Clerk Treasurer Janet Alexander asked the Board to release unkempt property liens for those properties which will be purchased in the Buy-Out program. A discussion was held. A motion and a second were offered. The motion carried.

BOW Resolution No.:09-04 A Resolution Establishing the Release of Sewer Liens Relative to the Flood Acquisition Project

Brenda Poe, Sewer Billing Office Manager explained that she has looked into this request and stated that she has learned that there is no permissible way to waive payment of sewer liens. A discussion was held. It was suggested and agreed that the City would pay the sewer liens in order to clear the titles for closing. Mayor Paris moved that we close and pay the sewer liens as required. Mr. Murray seconded. The motion carried and was approved.

Other Business

Janet Alexander stated that we could not find anything in law that assigns authority to the Board of Public Works and Safety to waive Planning Department fees. The Mayor stated that between now and the next meeting we will need to figure this out.

The Mayor noted that the City forgot to lower the flags after the Ft. Hood incident. Would like department heads to take note of when it is required or appropriate to lower the flag.

Mayor Paris also wants to put out a directive that we are not going to pay for the cost of water coolers in Departments.

The Clerk Treasurer presented a bill from Duke Energy for new services into the Davidson building costing \$7,000. This expense is to cover the cost of the transformer replacement. Mr. Murray made a motion to pay the invoice in order to get our project on the list on the condition that if the Davidson deal does not go through, we get our money back. Mr. Ault seconded. The motion was approved.

Concerning the Flood Buy-Out the Clerk Treasurer asked the Board to consider who would be the designated agent representing the City at each of the seventy possible property closings. IDHSA representatives have suggested that we appoint someone to act as our agent. Joanna Myers stated that we are going to start closing by January at the earliest. No action was taken on this matter.

Mrs. Alexander also asked if City money would be used to front the closing as homeowners will be required to wait up to 45 days for the funds to be drawn-down from the State and paid to the City. The Mayor stated that he did not think the City would be able to advance funds for this purpose.

Adjournment

Mayor Paris moved to adjourn, motion seconded by Mr. Ault. The motion carried, and the meeting adjourned 10:58 a.m. The next meeting will be held December 8, 2009.

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

Enrolled: 12-3-2009 Approved by the Board of Works: 12-8-09