

**City of Franklin
COMMON COUNCIL MINUTES**

**City Hall
55 W. Madison St.
Franklin, Indiana 46131**

Monday, December 10, 2007 @ 7:00 p.m.

Presiding Officer: Mayor Brenda Jones-Matthews

Members Present: President, Dr. William T. Murphy
Mr. Joseph P. Abban
Mr. Joseph R. Ault
Mr. Kenneth W. Austin
Mr. Phillip R. Barrow
Mr. Jeffrey C. Eggers

Absent: Mrs. Ann M. Gordon

Also present: City Attorney Robert H. Schafstall & Clerk-Treasurer Janet P. Alexander

News Media: The Daily Journal was present.

Mayor Brenda Jones-Matthews opened the meeting and asked the Clerk-Treasurer, Janet P. Alexander, to call the roll. Council President, Dr. William T. Murphy, offered an invocation, which was followed by a recitation of the Pledge of Allegiance.

MAYOR PRESENTATION

Mayor Jones-Matthews recognized Carey Craig, Garry Peterson, and Brian Alvey for serving on the Mayor's Tax Advisory Panel.

PUBLIC COMMENTS

Mayor Brenda Jones-Matthews requested that the public comments be moved to the end of the agenda in the interest of time. Dr. Murphy, seconded by Mr. Ault, made a motion to move public comments to the end. The motion carried.

CONSENT AGENDA

Mr. Ault, seconded by Dr. Murphy, made a motion to approve the consent agenda as presented.

- Minutes of the regular meeting held November 26, 2007
- Budgetary Resolution 07-10: A Common Council Budgetary Resolution Authorizing a Transfer from the 400 Series to the 200 Series-Board of Works

The motion carried and the consent agenda was approved.

NEW BUSINESS

Resolution No. 07-12, Resolution No. 07-13, Resolution No. 07-14: Personal Property Tax Abatement Request & Economic Revitalization Area Determination for Holbrook Manufacturing

Planning Director, Joe Csikos, appeared before the Council to present resolutions for the property seven-year tax abatement and economic revitalization area determination for Holbrook Manufacturing. He explained that the Economic Development Commission had voted unanimously to forward a favorable recommendation to the Council concerning this matter.

City Attorney, Robert H. Schafstall, requested that the Council consider a suspension of the rules to allow for introduction and approval at the first reading. Dr. Murphy, seconded by Mr. Abban, made a motion to suspend the rules. The motion carried. The Council was polled and the votes cast were as follows:

Ayes – Abban, Ault, Austin, Barrow, Eggers, Murphy

Nays – None

Ms. Cheryl Morphew, Executive Director of the Johnson County Development Corporation appeared before the Council to offer her support for this action. Mr. Holbrook addressed the Council and offered to answer questions.

Mayor Brenda Jones-Matthews asked if anyone from the public wished to comment on Resolution No.: 07-12. No one asked to speak. A motion and second were offered to read by title only. The motion carried and the resolution was read by title only. Mr. Austin, seconded by Mr. Abban, made a motion to adopt Resolution 07-12. The motion carried. The Council was polled and the votes cast were as follows:

Ayes – Abban, Ault, Austin, Barrow, Eggers, Murphy

Nays – None

Mayor Brenda Jones-Matthews asked if anyone from the public wished to comment on Resolution No.: 07-13. No one asked to speak. A motion and second were offered to read by title only. The motion carried and the resolution was read by title only. Dr. Murphy, seconded by Mr. Ault, made a motion to adopt Resolution 07-13. The motion carried. The Council was polled and the votes cast were as follows:

Ayes – Abban, Ault, Austin, Barrow, Eggers, Murphy

Nays – None

Mayor Brenda Jones-Matthews asked if anyone from the public wished to comment on Resolution No.: 07-14. No one asked to speak. A motion and second were offered to read by title only. The motion carried and the resolution was read by title only. Mr. Austin, seconded by Mr. Abban, made a motion to approve Resolution 07-14. The motion carried. The Council was polled and the votes cast were as follows:

Ayes – Abban, Ault, Austin, Barrow, Eggers, Murphy

Nays – None

Property Investment for BCC Products-Resolution No. 07-15

City Attorney presented a resolution for a ten-year tax abatement on real property owned by BBC Products and stated the Economic Development Commission had voted unanimously to forward a favorable recommendation to the Council concerning this matter. Ms. Cheryl Morphew, Executive Director of the Johnson County Development Corporation spoke in support of this action.

Mayor Brenda Jones-Matthews asked if anyone from the public wished to comment on the resolution granting a tax abatement. No one asked to speak. A motion and second were offered to read by title only. The motion carried and the resolution was read by title only. Dr. Murphy, seconded by Mr. Austin, made a motion to approve Resolution 07-15. The motion carried. The Council was polled and the votes cast were as follows:

Ayes – Abban, Ault, Austin, Barrow, Eggers, Murphy

Nays – None

OTHER BUSINESS

Discussion of Employee Compensatory Time

The Council resumed a discussion from the last meeting concerning the Mayor's request that the Clerk Treasurer pay certain employees for accrued comp time. The request was made in a memo dated November 21, 2007 sent to the attention of the Clerk Treasurer by Mayor Jones Matthews wherein it stated; *I am approving the payment of accrued compensatory time for the following department heads / exempt persons should they leave their position or retire on or before 11:59 P.M. December 31, 2007.*"

The employees named in the memorandum included the following:

Administrative Assistant Leah Nelson,
FFD Chief James Reese,
FFD Deputy Chief Greg Nelson,
FPD Chief John Borges,
FPD Deputy Chief Steven Hood,
Planning Director Joseph Csikos,
City Engineer Mike Buening,
Staff Planner Krista Linke,
Zoning Planner Joanna Myers,
Park Superintendent Suzanne Findley,
Assistant Park Superintendent Chip Orner,
DPW Superintendent Rick Littleton,
Office Utility Manager Brenda Poe,
Street Commissioner Richard Hughes,
Cemetery Sexton Mark Webb.

At the prompting of Mayor Jones-Matthews the City Attorney, Robert H. Schafstall, explained that the Council has the authority to grant the request to pay the exempt employees for additional time

worked over and above their regular hours either in full or part. The City Attorney also stated that the Council has a defensible position if they chose to deny the request.

Mr. Schafstall introduced Steve Huddleston, a local attorney representing certain City employees (Chief Borges, Deputy Chief Hood, Leah Nelson, Richard Hughes, and Suzanne Findley), who addressed the Council. Mr. Huddleston explained that these City employees had an expectation that they would be compensated for the hours they accrued based on conversations with the former and current Mayors. Mr. Huddleston said that the employees should not be penalized due to a change in administration which was outside of their control. He also said that he agreed with the City Attorney that there is not a law or legal obligation, but that the Council has the discretion to approve the request as presented and should make a decision that is fair to the employees.

Mr. Huddleston stated that according to the individual department heads he met with, there is money in the department budgets sufficient to cover the amounts requested. Mr. Huddleston concluded his comments with a request that the Council approve payment of the compensatory time claimed by the employees.

At the conclusion of Mr. Huddleston's presentation the Council Members held a discussion. Council Member Mr. Eggers stated that it is his opinion that a policy is needed in regard to the matter since this will impact past, current, and future employees. He also recommended that the Council not take any action until the Council has first established a policy. He also said that until a formal request is made addressing the financial implication, such as an ordinance for an additional appropriation, they should not do anything further.

Mr. Barrow stated that political administrations can change every four years and that in his experience in salaried positions, the person is expected to perform a job regardless of the hours required.

Dr. Murphy offered support for Mr. Eggers' recommendation that a policy needs to be in place prior to a decision made on the current matter.

Mr. Austin stated that he supported the adoption of a Council policy.

Mr. Ault said he agreed with Mr. Eggers that the City needs a policy before making a decision regarding the specific request at hand.

Mr. Austin and Mr. Ault both commented that they received a tremendous number of calls from constituents about this proposal and the vast majority had been opposed to the Mayor's proposal to pay for the additional time accrued.

Dr. Murphy made a recommendation to establish a policy development committee. Council Members Joe Ault and Joe Abban agreed to serve with Dr. Murphy on this committee. They will work with the assistance of the City Attorney. Dr. Murphy stated that he believed that he could find a human resource specialist to assist them with this project.

Common Council Minutes
December 10, 2007

Ms. Teresa Qualls, a City of Franklin resident addressed the Council stating that the responsibility should have been on the employee to obtain the agreement in writing.

Dr. Dick Martin, resident of the City of Franklin, read a letter addressed to the Mayor in opposition of the proposal to pay compensatory time to exempt City employees.

Mr. Fred Paris, the Mayor-Elect, explained that the change in administration did not result in the terminations of all the named department heads. He explained that some of the employees voluntarily resigned their positions. He also told the Council that he recently attended a newly elected officials training where the issue of tracking time was discussed. He said that the practice of requiring employees to maintain records of hours worked is necessary to avoid the appearance of "ghost employment" by City Officials. He said that it is common practice by other municipalities to track time for employees, both exempt and non-exempt.

Mr. Dave Dowden a resident of the City of Franklin told the Council that he was concerned that if they approved this proposal that they would have to consider that other past employees might be able to come back and request payment for accrued time they were not paid for when they left employment with the City of Franklin.

PUBLIC COMMENTS

The Mayor asked if anyone from the public wished to comment on anything not listed on the agenda. Mr. Moody addressed the Council regarding past interactions with City Officials and alleged harassment on the Internet.

Dr. Murphy and Mr. Austin recognized Mayor Jones-Matthews, Mr. Barrow, and Mr. Eggers regarding their service to the City of Franklin.

ADJOURNMENT

As there was no further business to come before the Common Council, the meeting adjourned at 8:12 p.m. The next meeting will be held January 14, 2007 at 7:00 p.m.

Respectfully submitted,
Janet P. Alexander, Clerk-Treasurer

Enrolled: January 4, 2008

Approved by Common Council:_____