

CITY OF FRANKLIN
BOARD OF PUBLIC WORKS AND SAFETY

Meeting Minutes

June 12, 2007

Opening

Mayor Brenda Jones-Matthews called the regular meeting of the Board of Public Works and Safety to order at 6:00 p.m. in the City Hall Council Room.

Present

The roll was called and Mayor Jones-Matthews, Board Members Steve Hougland and Joe Ault were present.

Also present were Police Deputy Chief Steve Hood, Deputy Fire Chief Greg Nelson, Street Commissioner Richard Hughes, Sewer Billing Office Manager Brenda Poe, Cemetery Superintendent Mark Webb, City Engineer Mike Buening, Staff Planner Krista Linke, WWTP Superintendent Rick Littleton, City Attorney Robert H. Schafstall, and Clerk-Treasurer Assistant Kristi Bruther. The Daily Journal was represented at this meeting.

Mr. Ault offered an invocation immediately followed by the Pledge of Allegiance.

Public Comments

Ms. Colleen Mason, an account representative from Best Way Disposal Service, appeared before the Board to present trash collection and recycle numbers for the month of May.

Consent Agenda

Approval and Acceptance of Minutes

Minutes of the Regular Meeting held May 29, 2007.

Accounts Payable Voucher Registers

#060907 in the amount of \$1,635,295.02

#060807 in the amount of \$1,840,771.84

#060307 in the amount of \$94,693.16

#060107 in the amount of \$33,384.72

#061107 in the amount of \$26,294.32

#061207 in the amount of \$88,543.42

Accounts Payable Payroll Vouchers

Sewer dated May 26, 2007 in the amount of \$50,745.62

Sewer dated May 26, 2007 in the amount of \$12,317.60

General Payroll, Pension and Police/Fire Longevity dated May 26, 2007 in the amount of \$744,995.83

PERF dated May 26, 2007 in the amount of \$45,939.71

PERF dated May 25, 2007 in the amount of \$359,993.39

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

NEW BUSINESS

Request for a Stop Sign and Speed Limit Sign in Countryview

Mr. Ault, seconded by Mr. Hougland, made a motion to strike the item from the agenda. The motion carried and the matter was stricken.

Request for a “Children at Play” sign or “Stop” Signs on Turning Leaf Dr.

Mayor Brenda Jones-Matthews explained that the recommendation of the Police Department in regard to the request from Ms. Azra Duheric and Ms. Allison Small, residents of 2150 Turning Leaf Dr. within the Meadows at Simon Farms. The recommendation from Deputy Chief Steve Hood is to place an additional stop sign to create a four-way stop at the corner of Turning Leaf Dr. and Harvest Ridge and the placement of crosswalk signs and yield signs at Turning Leaf Dr. Mr. Hougland, seconded by Mr. Ault, made a motion to approve the recommendation of the Police Department. The motion carried.

Discussion of a Speeding Problem in the Neighborhood and Request for Speed Limit Signs

The Police Deputy Chief, Steve Hood, appeared before the Board to present the Police Department’s recommendation in regard to the request from Ms. Karen Jones for a speed limit sign, near her residence at 83 Highland Ave. The recommendation is that no changes be made in the area.

Mr. Ault, seconded by Mr. Hougland, made a motion to approve the recommendation of the Police Department. The motion carried.

Request for Variance of Noise Ordinance for July 14

Mr. Dan Swindren, resident of Heritage Subdivision, appeared before the Board to request a variance to the noise ordinance on July 14, 2007 from 6:00 p.m. to 9:00 p.m. in order to hold a community event – Community Spirit Night. He also inquired about logistics for a parade in the neighborhood and was instructed to request permission at the next meeting.

Bill Quebec, resident of Paris Estates, appeared before the Board to discuss his concerns with the City’s variances to the noise ordinances.

Mr. Ault, seconded by Mr. Hougland, made a motion to approve the request for a variance to the noise ordinance as presented. The motion carried.

Request for Waiver of Building, Sewer, and Park Permits for Habitat for Humanity House

Mr. Mike Gorman & Mr. Al Pfifer, representatives from Habitat for Humanity, appeared before the Board to request a waiver of the building, sewer, and park permits for a habitat for humanity

house located at 998 Creekwood Lane. The City Engineer explained that the City has done this in the past. A discussion was held.

Mr. Ault, seconded by Mr. Hougland, made a motion to approve the request as presented. The motion carried.

Request for Stop Sign on E. Jefferson at Elm St.

Mr. Warren Beeler, resident of Franklin, appeared before the Board to request that a stop sign be placed on E. Jefferson St. at Elm Street due to excessive speed. The City Engineer, Mike Buening, said that he would not recommend the placement of a stop sign at this location. The Board directed the Police Department to increase the patrolling of the area and increase enforcement by the issuance of speeding tickets.

Discussion and Request for Action of Unsafe/Condemned Property being Occupied

Staff Planner, Krista Linke, appeared before the Board to request action of an unsafe/condemned property located at 201 N. Young Street in which the property has changed ownership. The Planning Department has attempted to contact the new property owners via phone, but have been unsuccessful. Ms. Linke explained that the utilities have been turned on. The Board's consensus was that the issues need to be addressed due to the structure being condemned and unsafe. The City Attorney, Rob Schafstall, recommended that the owners be summoned to the next BOW meeting, and if no agreement is made or the owners do not show, then the next step will be to sue the new property owners. The City Attorney and the Planning Department will notify the tenants. Mr. Ault, seconded by Mr. Hougland, made a motion to endorse the recommendation of the City Attorney. The motion carried and the owners and tenants will be notified to attend the next meeting.

Discussion and Request for Action of Unsafe/Condemned Property being Occupied

Staff Planner, Krista Linke, appeared before the Board to request action of an unsafe/condemned property located at 349 W. Jefferson Street. Mr. Gibson, homeowner of the property, appeared before the Board to explain his position and requested that the Board not condemn the property in order to provide him time to make the necessary repairs. A discussion was held.

The City Attorney explained that the City's obligation to the tenants and the community is to abate the problem of the unsafe structure.

Mr. Hougland, seconded by Mr. Ault, made a motion to direct the Planning Department to meet with the property owner and identify a plan of action to address the unsafe items.

OTHER BUSINESS

Staff Planner, Krista Linke, provided an update on the property located at 450 East King St. Ms. Linke explained that notification was substantial:

1. All vehicles must be removed from the property.
2. The damaged structure must be fully secured and re-enforced so as to not pose a danger to the public safety and general welfare.
3. All trash and debris must be removed from the site.
4. The non-conforming detached garage must be secured so as to prevent entry by unauthorized persons.

5. An application for building permit (residential remodel) must be obtained thru the Department of Planning & Economic Development for the damaged structure.
6. An updated building permit must be obtained for the detached garage that is partially constructed on the lot.

Dr. Craig Morman, resident of Franklin, addressed the Board and expressed his concerns about the property and stated that he supports demolition of the home. He explained that the fire occurred fourteen weeks ago and there many problems prior to the fire in addition to the current problems due to the fire damage, such as trash and abandoned vehicles. Dr. Morman explained that the dumpster that was secured on May 29, 2007 was removed on June 7, 2007 with minimal contents. He also stated that siding has recently been removed.

Ms. Kitt DeKemper, resident of Franklin, also expressed his concerns in regard to the property located at 450 E. King St. and expressed support for demolition of this structure.

Mr. Ron Witt, property owner of 450 E. King Street, came before the Board to explain his situation and requested that the City not proceed with the proposed demolition of his house. He explained that the insurance company and lender (Fannie Mae) are involved. Mr. Witt explained that he recently received e-mail correspondence from them which indicated that a percentage of the settlement monies will be available to rehab the house. He also explained that he has contractors hired, pending the availability of funds, to stabilize the roof, wall and ceiling joists, as well as mold abatement. A discussion was held. The City Attorney, Rob Schafstall, reviewed the e-mail correspondence from Mr. Witt and determined that there is progress being made and that Fannie Mae has requested that the City not proceed with the demolition, but that the timeline is not consistent with the City's.

The City Attorney recommended that the City direct him to contact the insurance and lending representatives and require that the structure be safe and secure within ten (10) calendar days from today (which would be June 22, 2007), and provide staff authority to contract with a demolition team, and to review the matter again at the next meeting. The City Attorney defined safe and secure as "the damaged structure must be fully secured and re-enforced so as to not pose a danger to the public safety and general welfare." The letter with the expectations spelled out was given to Mr. Witt. The City Attorney also directed Mr. Witt to obtain the required building permit June 13, 2007. The City Attorney also explained that the matter will be reviewed at the next meeting.

Mr. Ault, seconded by Mr. Hougland, made a motion to accept the recommendation of the City Attorney as it relates to the property at 450 E. King St. The motion carried.

Discussion of Retention Pond Issue in the Oak Leaf Manor Subdivision

Mr. Hougland, seconded by Mr. Ault, made a motion to strike the item from the agenda. The motion carried and the matter was stricken.

REPORTS BY DEPARTMENTS

Police Department

Police Deputy Chief Steve Hood had nothing to report.

Fire Department

Fire Deputy Chief Greg Nelson had nothing to report.

Greenlawn Cemetery

Greenlawn Cemetery Superintendent Mark Webb had nothing to report.

Street Department

Street Commissioner Richard Hughes had nothing to report.

WWTP

WWTP Superintendent Rick Littleton requested approval of pay request #9 in regard to the ATAD project. Mr. Ault, seconded by Mr. Hougland, made a motion to approve pay request #9 as presented. The motion carried.

WWTP Superintendent Rick Littleton introduced Jeff Birk, representative from BGBC Partners, to present an update on the construction, certificate of completion, change order #2, and request to replace existing lines.

Mr. Birk provided the Board with a certificate of substantial completion and requested the Board's approval and acceptance of the certificate. Mr. Ault, seconded by Mr. Hougland, made a motion to approve the Mayor to sign on behalf of the Board and accept the certificate of substantial completion. The motion carried and the document was signed.

Mr. Birk provided the Board with change order #2 that listed seven items in the amount of \$32,333.52 and requested the Board's approval. Mr. Hougland, seconded by Mr. Ault, made a motion to approve the Mayor to sign on behalf of the Board and accept the change order as presented. The motion carried and the document was signed.

Mr. Birk provided the Board with a change request to authorize the replacement of lines from four inch to ten inch steel lines by TPX. Mr. Hougland, seconded by Mr. Ault, made a motion to authorize the change request. The motion carried.

Engineering Department

City Engineer Mike Buening provided the Board with a memorandum dated June 12, 2007 with status updates concerning:

1. Windstar Section 3
 - The developer has requested the following performance guarantee be released:
 1. Heartland Community Bank ILOC #190003024 for Erosion Control \$32,430

Mr. Ault, seconded by Mr. Hougland, made a motion to approve the recommendation of the City Engineer. The motion carried.

2. Windstar Section 4
 - The developer has requested the following performance guarantee be reduced:
 1. Heartland Community Bank ILOC #190004005 For Erosion Control from \$45,000 to \$10,000.

Mr. Hougland, seconded by Mr. Ault, made a motion to approve the recommendation of the City Engineer. The motion carried.

3. Branigin Woods Section 1

- The developer has submitted the following maintenance guarantee to be accepted:
 1. Bond Safeguard Insurance Co. Bond #5027995 for Street Surface \$12,500.

The City Attorney stated that he concurred with the City Engineer. Mr. Ault, seconded by Mr. Hougland, made a motion to approve the recommendation of the City Engineer. The motion carried.

2007 Paving Program

- Initial estimates of paving areas are as listed below:

○ Industrial & KYB Drives -	\$225,000
○ Banta Street -	\$100,000
○ Martin Place -	\$17,000
○ Monroe (Home – Jackson) -	\$60,000
○ Hospital Road (US31 – Drake) -	\$85,000
○ Paris Estates repairs	\$77,000
○ Thornburg repairs	\$37,000
○ King (Main – Jackson)	\$18,000
Total - \$619,000	
- Industrial & KYB Drives are part of a Grant application with state fund reimbursement of up to \$100,000.
- Current Street Dept budget includes \$175,000 for LRS & MVH paving.
- RDC has given the go ahead to pave Commerce Drive (Graham – US 31) and Graham (Arvin- Commerce). Commerce Drive will include new concrete approaches at the bridge over Canary Creek with a closure of Commerce Drive. These will be included in the Paving program.
- The BOW is requested to give staff direction for this years paving program as to an additional appropriation from LRS.

Mr. Ault, seconded by Mr. Hougland, made a motion to approve the recommendation of the City Engineer. The motion carried.

Planning Department

Staff Planner Krista Linke provided the Board with a memorandum dated June 12, 2007. Ms. Linke also said that the Farmer's Market starts June 13, 2007 along East Court Street and all available spaces have been rented. The market will take place every Wednesday until September 5, 2007.

CITY ATTORNEY

The City Attorney, Rob Schafstall, explained that a local company, APEX, can provide the City with cost savings on their phone contracts. The WWTP Superintendent, Rick Littleton, explained that the Telecommunication Council forwarded a favorable recommendation for a 60-month contract with APEX. The contracts have been reviewed by the City Attorney and the contracts do not include a provision for the cancellation of the contract if opportunities are available in the future to save additional monies. Mr. Hougland, seconded by Mr. Ault, made a motion to endorse the recommendation of the Telecommunication Council and authorize the Mayor to sign

on the behalf of the Board upon amendments received by APEX to the satisfaction of the City Attorney. The motion carried.

The City Attorney advised the Board that Midwestern Electrical has submitted an updated contract for the traffic signal, which includes an annual inspection that was rejected last year and the City only approved maintenance of the signal. The City is currently on an informal basis with this vendor for repairs to the signal. The City Attorney will request a revised contract and report back to the Board.

MAYOR COMMENTS

Mayor Brenda Jones-Matthews requested that the Board review the list of code violations as presented by the Clerk-Treasurer and consider action to be taken on such tickets being issued by the City. Clerk Treasurer Assistant, Kristi Bruther, requested that the Board members consider each type of violation separately in order to make a recommendation per type at the next meeting. The Board also requested an alpha listing of the violations.

Adjournment

The meeting adjourned at 7:55 p.m. The next regular meeting will be held on June 26, 2007 at 6:00 p.m. in City Hall.

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

Enrolled: June 21, 2007

Approved by the Board of Works: June 26, 2007