

**CITY OF FRANKLIN**  
**BOARD OF PUBLIC WORKS AND SAFETY**

Meeting Minutes

June 27, 2006

**Opening**

Mayor 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**

Mayor Jones-Matthews and Board Members Joe Ault and Stephen Hougland were present. Also present were Police Chief John Borges, Fire Deputy Chief Greg Nelson, Street Commissioner Richard Hughes, City Engineer Mike Buening, Staff Planner Joe Csikos, City Attorney Robert H. Schafstall, Clerk-Treasurer Janet Alexander, and Clerk-Treasurer Assistant Kristi Bruther.

An invocation and the Pledge of Allegiance to the flag were offered.

**Public Comments**

Mayor Jones-Matthews asked if anyone from the public wished to speak on any matters not listed on the agenda. No one requested to speak.

**Consent Agenda**

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

1. Approval of the Minutes of the meeting held June 13, 2006
2. Approval of Claims

The motion carried and the consent agenda was approved.

**Bid Opening – ATAD Facility Expansion**

City Attorney, Jeff Ponist, CEI representative, was present to assist with the ATAD Facility Expansion Bid openings. He provided a bid opening document to the Board members for their assistance during the announcement of the bids.

<b>Vendor</b>	<b>Base Bid</b>
Dunlap & Company	\$1,786,000.00
Bowen Engineering Corporation	\$1,858,500.00
Mitchell & Stark Construction	\$2,027,696.63
Maddox	\$1,720,000.00
Reynolds	\$1,788,000.00
M.K. Betts	\$1,882,700.00

Mr. Ault made a motion to take the bids under advisement, seconded by Mr. Hougland. The motion carried and the bids were provided to Mr. Ponist for his review.

## **Old Business**

### **BOW Resolution No. 06-02: A Resolution Establishing “Approved Items” for Purchase Pursuant to Ordinance No. 06-01**

Clerk-Treasurer, Janet Alexander, presented a proposed BOW Resolution 06-02 to update the list of authorized vendors and product lines for police and fire clothing allowance purchases. The proposed resolution expands the approved list to include all public safety uniform and equipment vendors and allow for purchases from approved product lines included in Exhibit “A” from any vendor. The proposed BOW Resolution 06-02 also repeals and replaces BOW Resolution 06-01. Mr. Ault made a motion to approve the request as presented by the Clerk-Treasurer, and adopt BOW Resolution 06-02, seconded by Mr. Hougland. The motion carried and the resolution was approved and signed.

### **Requesting Signatures on Contract for the Purchase of the New Fire Truck**

City Attorney, Robert Schafstall, stated that he had reviewed the contract for the purchase of the new fire truck and it is acceptable to him. Mr. Schafstall recommended that the Board accept the contract and authorize the Mayor to sign the contract. Mr. Hougland, seconded by Mr. Ault, made a motion to accept the contract and authorize the Mayor to sign on the Board’s behalf. The motion carried and the contract was approved and signed by the Mayor.

### **Parking Situation in the Area of 3064 Dowden Dr. (from June 13, 2006 Meeting)**

City of Franklin Police Sergeant Kennedy appeared before the Board to provide an update on the parking situation in the area of 3064 Dowden Drive. Sergeant Kennedy explained that she has issued three tickets and five warnings in this area. Pictures were provided to the Board showing that there is little space between the two homes’ driveways and barely room for two cars to park along the street. Each home has a single car garage and Sgt. Kennedy explained that two vehicles will not fit in the driveway without overlapping the sidewalk. Parking is allowed along one side of the street throughout the entire Northpointe Addition. The subdivision does not have a homeowner’s association. The City Attorney indicated that if a chronic offender is identified, then the Board could request that individual to appear before the Board. Otherwise there is nothing to be done at this time. The Board discussed the option of posting a handicapped parking sign but did not authorize installing one. Sergeant Kennedy committed to maintain a careful watch on this area and problem.

## **New Business**

### **Requesting Permission to Place a Retaining Wall Around the Flowers Located at the intersection of N. Main and Graham Streets**

Ms. Rosalie Black, a representative from the City of Franklin Beautification Committee, appeared before the Board to request permission on behalf of the committee to place a retaining wall around the flowers located at the intersection of N. Main and Graham Streets. It was explained that the work will be completed at no cost to the City. Old Castle, a block manufacturer has offered to provide and install the block for the committee. Mike Buening said that visibility issues require that the height of the retention walls must be below two and a half feet. Ms. Black indicated that the height would be approximately 12 inches. Mr. Ault, seconded by Mr. Hougland, made a motion to approve the request. The motion was amended to include that the approval of the request, is contingent upon the project being supervised by the City Engineer. The motion carried and the request was approved.

### **Request from Attorneys Rogers & Gesse for Release of Claim in the Matter of the Estate of Helen J. Poff**

Clerk-Treasurer, Janet Alexander, presented a letter from Rogers & Geese, Attorneys At Law, requesting a signature on the Release of Claim on behalf of the estate of Helen J. Poff. An estate check was provided to the Clerk-Treasurer's office in the amount of \$64.87 for full payment for a claim. Clerk-Treasurer, Janet Alexander, indicated that the Release of Claim has been completed by her office and signed at the direction of the City Attorney. The City Attorney requested that the Board ratify the Clerk-Treasurer's authority to sign on behalf of the City. Mr. Hougland seconded by Mr. Ault, made a motion to approve the request as presented by the City Attorney. The motion carried and the request was approved.

### **Request Approval of Uniform Conflict of Interest**

Clerk-Treasurer, Janet Alexander, asked the Board to approve a Uniform Conflict of Interest Form for Firefighter/EMT Leo Caplette. Mr. Caplette was engaged by the department to provide background checks on new fire fighter applicants. The fee per background checks will be \$125 per applicant. Mr. Caplette is still classified as a peace officer and serves as a reserve officer with the Brown County Sheriff's Department. Mr. Hougland made a motion to table the matter to allow the City Attorney time to research this matter, seconded by Mr. Ault. The motion carried and the matter was tabled.

### **Request to Declare Items as Surplus for Joint Auction with the County**

Mayor Jones-Matthews presented a list of items to be declared as surplus and requested the Board's permission to declare the items surplus and to be included in a joint auction with Johnson County to be held Saturday July 1, 2006. Chief Borges inquired about the legality of repairing and donating bicycles that have been confiscated. The Board's consensus was to have the City Attorney research the bicycle question. The Board withdrew the bicycles from the surplus item list. Mr. Hougland, seconded by Mr. Ault, made a motion to declare the items as surplus excluding the bicycles. The motion carried and the request was approved.

### **OTHER BUSINESS**

Kathleen and Edward Cotton, residents of DeCourcey Court, thanked Mr. Hughes and the street department for removing "no parking" signs from DeCourcey Court. The couple also asked for a clarification on the definition of a single-family dwelling. A home in their subdivision is occupied by a group of young men. Mr. Csikos said that our zoning rules define a single family dwelling as "single housekeeping unit." Mr. Csikos stated that this has been discussed with the Planning Director and that the opinion of the Planning Department is to view the situation described as a sublease which is acceptable under the City's Code. Mr. and Mrs. Cotton said that the subdivision covenants do not address the matter of single family dwelling or renting space. The Board advised the residents to notify the Police Department if there is a violation of the noise ordinance.

### **REPORTS BY DEPARTMENTS**

#### **Police Department**

Chief Borges notified the Board that he has two officers leaving the force in August. The Police Department has extended a conditional offer to one academy-trained individual who has

accepted the offer and extended another conditional officer to a second individual who will need to attend the academy in September. Chief Borges expressed concern about funding due to the anticipated settlement which will be paid to the current officers. He asked the Board to make a favorable recommendation to the Common Council to fund the balance needed to fund the replacements.

Chief Borges also asked the Board to approve the annual maintenance contract with Minolta for a copy machine. Mr. Ault, seconded by Mr. Hougland, made a motion to approve the contract. The motion carried and the contract was approved and signed.

The Chief explained that the Indiana Legislature passed fireworks legislation which will take effect July 1, 2006. The new law will supersede the City code adopted last fall. An excerpt of the law is listed below.

**Public Law 187-House Enrolled Act 1099 – Effective March 27, 2006**

Fireworks – Amends and adds to IC 22-11-14 – Allows for persons to purchase and use certain fireworks on their own property or on property where the person has permission to use the fireworks. Sets the time permitted for using fireworks. Establishes annual registration fees from persons selling fireworks.

Chief Borges also explained that the Legislature also modified the law on gun permits, creating a lifetime permit. The Chief said that this new law will likely require the City to update our fee ordinance. An excerpt of the law is listed below.

**Public Law 190-House Enrolled Act 1176 – Effective July 1, 2006**

Handgun Licenses – Amends IC 35-47-2-3 – Requires the law enforcement agency which accepts an application for handgun license to collect the following application fees:

1. From a person applying for a four (4) year handgun license, a ten dollar (\$10) application fee, five dollars (\$5) of which shall be refunded if the license is not issued.
2. From a person applying for a lifetime handgun license who does not currently possess a valid Indiana handgun license, a fifty (\$50) application fee, thirty dollars (\$30) of which shall be refunded if the license is not issued.
3. From a person applying for a lifetime handgun license who currently possesses a valid Indiana handgun license, a forty dollar (\$40) application fee, thirty dollars (\$30) of which shall be refunded if the license is not issued.

Such fees are to be deposited in the law enforcement continuing education fund.

**Fire Department**

Deputy Chief Nelson asked the Board to declare the Ambulance 23, surplus. Deputy Chief Nelson explained that the ambulance has many problems and that there will be limited storage area available when the new fire engine arrives. Mr. Ault made a motion to declare Ambulance 23 surplus, seconded by Mr. Hougland. The motion carried and the request was approved.

**Street Department**

Street Commissioner Richard Hughes had nothing to report.

### **Engineering Department**

City Engineer, Mike Buening, presented a memorandum dated June 27, 2006 to the Board updating them on the following matter:

#### **2006 Paving Program**

- The Common Construction Wage Rate Hearing was held 6/26/06.
- TIF district funds have been approved to be utilized for Eastview Drive, Arvin Drive, and Musicland Drive.
- Staff has proposed to include King Street from Hurricane to Main, Adams to Walnut, Younce from 14<sup>th</sup> to Linhurst, and Central from Main to Walnut. Fairway Lakes Streets, Golfview Villas Streets and Franklin Lakes Boulevard are also being considered. The current funds will dictate the limits of this work. I anticipate the bid will exceed the \$150,000 balance available in the budget.
- Staff requests Board approval for a Thursday, July 20, 2006 10:00a.m. bid opening.

Mr. Buening explained that Sandor Development will reimburse the City for \$15,000, of road work which the City Engineer asked to be re-appropriated to Local Road and Street. The Clerk Treasurer will review the regulations concerning re-appropriation of reimbursements.

Mr. Buening asked the Board to approve a bid opening for the 2006 Paving Project on July 20 at 10:00 a.m. Mr. Ault, seconded by Mr. Hougland, made a motion to set the paving project for bid opening on July 20, 2006 at 10:00 a.m. Mr. Hougland, seconded by Mr. Ault, made a motion to appoint a bid opening committee to consist of the Mayor, City Attorney, and the City Engineer. The motion carried and was approved.

### **Planning Department**

Staff Planner Joe Csikos had nothing to report.

### **Board Member Comments**

Mr. Ault stated that the sidewalk along the west side of Walnut Street has deteriorated and presents a safety hazard to the public. Mr. Ault requested that staff review the area.

Clerk-Treasurer, Janet Alexander, stated that several large panes of glass had been left leaning on a tree in the right-of-way across the street from the cemetery, presenting a safety hazard to the public. The glass sat in this location for several days. She explained that she called police dispatch to report the glass when it did not get picked up.

Mayor Jones-Matthews indicated that there are several unkempt properties that will require Board action. She specifically mentioned 198 Main Street. Mayor Jones-Matthews requested that the Planning Department contact Rob Shilts and let him know that the Board is considering taking action on this property.

Mayor Jones-Matthews requested updated information regarding the destruction of homes owned by the County. Jack Matthews, Johnson County Maintenance, stated that the items within the

house will be eliminated during the auction process and that the destruction of the homes will take place in the near future.

City Attorney, Robert Schafstall, stated that at the request of the Mayor, the Police Department has increased the enforcement of our junk vehicle ordinance within the City. Mr. Schafstall explained that in several cases the owners have not complied. The following property owners were listed as having been cited for junked vehicles:

Paul and Tonya Newkirk 151 South Main Street

James Chumbley 257 South Main Street

Jack Rogers and Ina L. & Lowell Haverstick 597 Johnson Avenue

Max Merritt 235 Terre Haute Street

James Stephens 285 Province Street

William and Thomas Peters 363 Province Street

James Bray 678 Johnson Avenue

Unknown, 4118 Jason Avenue

The City Attorney recommended that the Board authorize him to contact the owners and request that they appear at the July 11, 2006 meeting to discuss the issue.

Mayor Jones-Matthews reminded everyone that the smoking ban will go into effect August 1, 2006. She explained that Partnership for Healthier Johnson County offered to produce an informational brochure as well as education materials, flyers and posters for businesses at no cost to the City. The Board's consensus was to accept the offer from Partnership and authorize the production of the informational materials.

Mayor Jones-Matthews stated her concern with Best Way due to trash cans left in the middle of the street in her subdivision.

In response to the criminal trespass reported by the Clerk Treasurer last week, Mayor Jones-Matthews stated that she has requested a quote to install exterior security cameras from Shaw Security in the amount of \$3,730. The quote includes four cameras and a monitor.

### **Adjournment**

The meeting adjourned at 7:15 p.m. The next regular meeting will be held on July 11, 2006 at 6:00 p.m. in City Hall.

Respectfully submitted by,  
Janet P. Alexander, Clerk Treasurer

Enrolled: Wednesday, June 28, 2006

Approved by the Board of Works: 7-11-06