

CITY OF FRANKLIN
BOARD OF PUBLIC WORKS AND SAFETY

Meeting Minutes

August 29, 2006

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

Mayor Jones-Matthews and Board Members Joe Ault and Stephen Hougland were present. Also present were Police Chief John Borges, Fire Chief Jim Reese, Greenlawn Cemetery Superintendent Mark Webb, Street Commissioner Richard Hughes, WWTP Superintendent Rick Littleton, City Engineer Mike Buening, Planning Director Joseph Csikos, City Attorney Robert H. Schafstall, Clerk-Treasurer Janet P. 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 matter not listed on the agenda. No one requested to speak.

Consent Agenda

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

1. Approval of the Minutes of the meeting held August 15, 2006
2. Approval of Claims

The motion carried and the consent agenda was approved.

OLD BUSINESS

Request for a Streetlight at 751 Yandes

At the last meeting Mayor Jones-Matthews had requested that the City Engineer provide the Board with a recommendation concerning the request for an additional streetlight on Yandes Street by resident Kim Cantwell of 751 Yandes Street. The City Engineer, Mike Buening, referred to a diagram that was presented to Board members regarding the request for a streetlight in front of an alley located at Cincinnati and Yandes Streets. The recommendation of the Planning and Engineering Departments was to deny the request since the area is lit according to the City's standards. A discussion was held.

Mr. Hougland, seconded by Mayor Jones-Matthews, made a motion to accept the recommendation of the Planning and Engineering Department. The motion carried and the request for the streetlight was denied.

NEW BUSINESS

Request for the Designation of the New Commerce Drive Extension

Mr. David McMath contacted the Mayor's office to request that this matter be tabled until September 12, 2006. Mr. Hougland, seconded by Mr. Ault, made a motion to table the request. The motion carried and the request was tabled.

Request for Street Closure of Canary Creek Court to hold a "Block Party"

Ms. Heather Hagger, a resident of Franklin and representative of the Canary Creek Homeowners' Association, appeared before the Board requesting permission to close Canary Creek Court cul-de-sac on September 10, 2006 from 2:00 p.m. to 5:00 p.m. in order to hold a neighborhood "block party." Ms. Hagger indicated that the Association has not contacted homeowners along the cul-de-sac. Mr. Hougland, seconded by Mr. Ault, made a motion to authorize the Mayor to make a decision on this matter based on feedback from the homeowners within the cul-de-sac. The motion carried. Mayor Jones-Matthews requested that documentation with the homeowners' name, address, and position on the matter be provided to her office. Ms. Hagger also requested a variance to the noise ordinance in order to have outside music during the "block party." Mr. Ault, seconded by Mr. Hougland, made a motion to approve the request. The motion carried and the request for the variance to the noise ordinance was approved.

Request for Street Closure of Grizzly Drive & Discussion of Parking Restrictions

Ms. Wendy Hagn, Franklin College Director of Alumni Relations, came before the Board to request street closures and parking restrictions Saturday, October 14th for the Annual Franklin College Homecoming celebration. The request included the following:

- Close Grizzly Drive from Branigin Boulevard to First Street from noon until 6:00 p.m.
- Designate as "no parking" from midnight until 6:00 p.m. the spaces on the north and south sides of Grizzly Drive from Branigin Boulevard to First Street.
- Suspend parking restrictions surrounding campus from noon until 6:00 p.m. including the north and south sides of Park Avenue between First Street and Forsythe Street, the west side of Forsythe Street from Park Avenue to the service drive north of Spurlock Center, and First Street from Park Avenue south to the end.

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

Request for Parking on North and South Sides of Madison Street

Mayor Brenda Jones-Matthews, on behalf of Rev. Jessen, appeared before the Board to request that parking be allowed on the North and South sides of Madison Street on September 9th from 8:30 a.m. to 5:00 p.m. for the purpose of a conference at the Church. The Board directed the Fire Chief to determine if parking on both sides of the streets would restrict the ability for a fire apparatus to enter the area.

Mr. Ault, seconded by Mr. Hougland, made a motion to authorize the Mayor to make a decision on this matter based on the recommendation of the Fire Chief. The motion carried.

Request for a Variance from the City's Noise Ordinance

Mr. Todd Dennison appeared before the Board to request a variance from the City's noise ordinance during hunting season in order to discharge a firearm for the purpose of controlling geese at the South Central Surgery Center located at 1101 West Jefferson Street Suite H, Franklin, IN 46131. Mr. Dennison presented a letter from the business requesting the Board to grant Mr. Dennison permission to hunt geese during hunting season to control geese. A discussion was held. Mr. Larry Harris recommended that the business apply to DNR for a state and federal Depredation Permit. The consensus of the Board was that this request is really to allow "hunting" within City limits. The Board suggested that Mr. Dennison meet with the owners and suggest that they explore other options for geese control. Mr. Ault, seconded by Mr. Hougland, made a motion to direct the business to explore other options and deny the request to allow the variance. The motion carried and the request was denied.

OTHER BUSINESS

Discussion of Enforcement of Ordinance No. 06-02: An Ordinance Regulating Smoke (As Amended)

Mayor Jones-Matthews stated that the Board has received questions regarding the enforcement of Ordinance 06-02: An Ordinance Regulating Smoke. Mayor Jones-Matthews introduced Mr. Larry Harris, the City Code Enforcement Officer, and Mr. Dan Lee, a Street Department employee also working in code enforcement to discuss the concerns raised about enforcement of the ordinance.

Mr. Harris referred to a letter he received from a citizen asking about enforcement of Ordinance 06-02. Mr. Harris specifically requested direction on how to proceed in regard to the violation issued to the "D & D Club."

City Attorney, Robert H. Schafstall, indicated that the aforementioned business has fulfilled the necessary paperwork and received state certification that classifies the business as a private club and not-for-profit. Based on this classification, the business is exempt.

Mr. Schafstall explained that if the public is invited into a private club, then the club/area would be classified as a public space and would then fall under the smoke restrictions within the ordinance during the time that the public is invited. Mr. Schafstall went on to explain that if admission/entrance is closed to the public, then the classification of the private club remains and the business is exempt. He also pointed out that private clubs generally post a notice stating that admission is limited to members and guests.

Mr. Schafstall clarified the interpretation for the definition of a "bar" in which the business is exempt only when meeting the definition, including the age requirement. If the establishment permits patrons under the age of 21 at any time, then the establishment

is subject to the smoke restrictions within the ordinance during the times that the underage patrons are allowed.

Mr. Larry Devoss, President of Johnson County Shrine Club, appeared before the Board to request clarification regarding Ordinance 06-02. The City Attorney clarified and interpreted the ordinance in which at any time that the club opens itself to the general public, the facility becomes a public space and is subject to the restrictions stated in the ordinance. Otherwise the facility remains a private facility for the use by members and or members and guests.

Mayor Jones-Matthews inquired about the status of the violation issued to the D & D Club. City Attorney indicated that the violation is valid if the citation was issued prior to their change in classification. Mr. Schafstall indicated that he would check on the date of the classification.

Mr. Harris also requested clarification about when the payment of the fine is due. Mr. Schafstall stated that the payment is due upon receipt. He explained that if the stated fine is not paid within thirty days, it would then be left to the discretion of the Board of Works to determine the next steps to be taken. A discussion was held.

Ms. Debbie Swinehammer, the Board President of the Partnership for a Healthier Johnson County, asked to speak, and expressed her concern about the exceptions that have been made and the "loop holes" in the ordinance.

Franklin Chamber of Commerce Director, Tricia Bechman, asked the Board to clarify what if any impact holding a meeting of a public organization in one of the exempt businesses or private clubs. The City Attorney stated that the answer would depend upon whether or not the participants are members or guests of members. If the attendees are also members or guests of a member, then the definition of a private club is still met and the establishment remains exempt from compliance with the ordinance. If the public is invited, then the establishment would be classified as a public space and all smoke restrictions would apply.

Mr. Kennedy, a local business owner, asked the Board about the process to eliminate the "loop holes" in the smoking ordinance. Mr. Schafstall explained that the request must be made to the Common Council to revise and/or to amend the current ordinance.

REPORTS BY DEPARTMENTS

Police Department

Police Chief John Borges reported that the Johnson County Shrine Club has started the preparation for the Annual Fall Festival parade and would be appearing before the Board in September to request street closures. Chief Borges requested the Board's consensus to allow the Shrine Club to file their application with the State of Indiana requesting

permission to use State Road 44 / Jefferson Street and for the authority to close the street. The Board by consensus agreed to allow the Shrine Club to move forward and begin the state's process.

Chief Borges reported that he received a call from IBSICH Data Collection. IBSICH has requested two of the City's five 800 analogue frequencies to be released to them. The company is trying to establish an Edinburgh tower site and the two frequencies would be moved to that tower. Chief Borges said that he does not think that it is in the City's best interest to allow IBSICH to reduce our assigned frequencies from five to three. Mr. Ault stated that he agreed with the Chief and all other members indicated that they also agree with the Chief. The Chief offered to contact IBSICH to notify them about the City's position.

Fire Department

Fire Chief Jim Reese said that repairs to the fire engine are complete. Chief Reese stated that there is a problem with the new fire engine. Specifically related to the third cross member, there are only four bolts where six bolts are required. Chief Reese said he contacted Donnelly and E-1 about his discovery. The Chief reported that when he spoke with the representative from Donnelly, he was told that the specs are wrong. He also said that when he spoke with the manufacturer E-1 he was told that they were unaware of any problem. The Chief also said he requested engineering information three weeks ago and has not received anything to date. Mr. Ault said that he would personally contact the vendors, Donnelly, to discuss the issues the Chief raised concerning the newly purchased fire truck.

Greenlawn Cemetery

Cemetery Sexton Mark Webb had nothing to report.

Street Department

Street Commissioner Richard Hughes had nothing to report.

WWTP

Superintendent Rick Littleton requested the Board's permission to renew the MTS IntegraTRAK support services agreement. The City Attorney has reviewed and approved the language used in the agreement. Mr. Littleton recommended that the City approve the agreement and select the 12 - hour coverage option. Mr. Ault, seconded by Mr. Hougland, made a motion to accept the recommendation of the WWTP Superintendent. The motion carried and the agreement was renewed.

Engineering Department

City Engineer, Mike Buening, reported on the following:

2006 Paving Program

Mr. Buening told the Board that Milestone Contractors submitted change order #1 to place concrete backfill instead of stone and asphalt along the edges of the new sidewalk on King Street. Mr. Buening explained that this would result in cost savings and provide a better product. Mr. Buening recommended that the Board approve the change order #1. Mr. Ault, seconded by Mr. Hougland, made a motion to accept the

recommendation of the City Engineer. The motion carried and the change order was approved.

East Interceptor Project

Mr. Buening reported that the contractor, Brackney, begun restoration of the disturbed areas on 8/15/05 and has completed that process. Mulched seeding has been placed on the disturbed yards, but areas of poor growth will need additional correction. Farm field repairs that started in December 2005 are nearly complete. Brackney has been told to complete all remaining punch list items prior to final acceptance of the project. The contractor requested that the retainage be reduced. Currently \$67,167.32 or 2.5% is being held in retainage.

Mr. Hougland, seconded by Mr. Ault, made a motion to deny the request to reduce the retainage amount. The motion carried and the request was denied.

Planning Department

Planning Director Joe Csikos reported that he has prepared a new report documenting complaints and violations which he will present to the Board on a monthly basis. Board Member Stephen Hougland inquired about the status of the home located at 901 East Jefferson Street. Mr. Csikos reported that the ownership of the home has returned to the lender (Heartland Community Bank). He explained that the department has continued to issue nuisance abatement requests asking the property owners to abate vegetation and trash violations; however, it appears that "squatters" have taken residence in the home. The Planning Department and Police Department are coordinating in an effort to secure the area.

Board Member Comments

Mr. Hougland reported that one of the trucks owned by Best Way was at the old Franklin High School emptying a dumpster bin at 6:05 a.m. Mr. Hougland directed Mr. Littleton to contact the Best Way representative to request that all trucks working in the City observe the guidelines and not begin collections until 7:00 a.m.

Mr. Csikos gave an update on the property located at 198 S. Main. He said that the weather has delayed the Street Department. Mr. Hughes said that his department is working out how they plan to take care of the overgrown bushes saying that his staff may pull them out or trim them up.

Mr. Csikos also provided an update on the property located at 152 S. Home. The garage on the property has been cited as an unsafe structure and has been condemned by the Johnson County Health Department. Mr. Csikos reported that his department has not been able to contact the property owners so they may retrieve the contents of the garage. He said that before it is demolished he plans to have an inventory made of the contents. The City Attorney stated that there needs to be an effort made to return the personal property to the owners and that there is a state statute regarding notification, length of storage, place of storage, etc. Mr. Csikos agreed to identify storage options and rates. The Street Commissioner, Richard Hughes, said he is not comfortable with the Street Department being able to safely tear down the structure. Mayor Jones-Matthews directed

Mr. Hughes to obtain quotes for the demolition of the structure. Mr. Hougland, seconded by Mr. Ault, made a motion to authorize the Mayor to make the determining action contingent upon the recommendation of the City Attorney, Street Commissioner, and Planning Director. The motion carried.

City Attorney, Robert H. Schafstall, requested that the Board approve a revision to the Drug and Alcohol Policy: Section A, Paragraph 11, that adopts DOT testing procedures encompassed in 49 Code of Federal Regulations (CFR). Mr. Hougland, seconded by Mr. Ault, made a motion to accept the recommendation of the City Attorney. The motion carried and the revision to the Drug and Alcohol policy was adopted.

Mr. Schafstall presented an interlocal agreement between Johnson County and the City of Franklin to approve a reduced rate in the amount of \$150 per run for ambulance runs made to aid prisoners housed at the Johnson County Jail. Chief Reese explained that standard rate for medic services is \$400-\$550.

Mr. Schafstall said he is still researching the legality of charging a reduced rate to specific entities. Mayor Jones-Matthews requested that the agreement require them to also address the cost of supplies used on these runs. Chief Borges offered that the Sheriff's Department assists the Police Department on a regular basis and that fact should be taken into considered in regard to this matter.

Mayor Jones-Matthews inquired about the expiration of the current trash removal agreement. Mr. Littleton recommended that the bid process start in September along with modifications/updates to the current City ordinance regarding trash; such as definition of a household, limits on what will be removed, what will be picked up by the City, etc. The consensus of the Board was to make recommendations to the Council regarding the trash removal ordinance and then start the bid process.

Adjournment

The meeting adjourned at 7:45 p.m. The next regular meeting will be held on September 12, 2006 at 6:00 p.m. in City Hall.

Respectfully submitted by,
Janet P. Alexander, Clerk Treasurer

Enrolled: September 7, 2006

Approved by the Board of Works: 9-12-06 JPA