

**City of Franklin Common Council**  
**Regular Meeting Minutes**  
**May 7, 2012**

The regular meeting of the Common Council of the City of Franklin, Indiana was called to order at 6:30 p.m. at City Hall, 70 E. Monroe Street, with Mayor Joseph E. McGuinness presiding. Council members Joseph Abban, Joseph Ault, Kenneth Austin, Stephen Barnett, Robert Henderson, Stephen Hougland, and Richard Wertz answered roll call. Clerk-Treasurer Janet P. Alexander, Records Clerk Kathy Cragen, City Attorney Lynnette Gray were also present.

Mayor McGuinness opened the meeting and asked the Clerk-Treasurer to call the roll. Councilor Barnett offered an invocation, which was followed by a recitation of the Pledge of Allegiance.

**Consent Agenda**

Mayor McGuinness presented the consent agenda for approval.

- Approval of the April 16, 2012 Common Council Minutes
- Common Council Budgetary Resolution No.:12-02 Transfer from City Court 400 Capital Outlay to City Court 200 Supplies \$1000.00

Councilor Barnett made a motion to approve the consent agenda as presented, seconded by Councilor Henderson. The motion carried. Councilor Abban abstained from voting.

**Old Business**

Mayor McGuinness asked for a motion to move Resolution 12-09 from new business to old business since both matters concern the Metro Fiber Net Project. Councilor Barnett made a motion to amend the order of business as requested by the Mayor, seconded by Councilor Abban. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

**Common Council Ordinance No.: 12-09 - An Ordinance of The Common Council of The City of Franklin, Indiana authorizing the Issuance of the City of Franklin, Indiana Economic Development Revenue Bonds, Series 2012 (Metro FiberNet Project), and the Use of the Proceeds Thereof to Support Metro FiberNet Projects, and Authorizing and Approving Other Actions in Respect Thereto** – Councilor Barnett made a motion to read the proposed ordinance by title only, seconded by Councilor Austin. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried, and Mayor McGuinness read the title aloud. Mr. Richard Starkey an attorney at Barnes and Thornburg came forward and stated that this ordinance was introduced a couple of months ago. Mr. Starkey stated that Cinergy will make a twenty-five million dollar investment in the

project. A discussion was held. Mayor McGuinness stated that this is the public hearing for this ordinance and asked if anyone from the public had any questions or concerns. No one asked to speak. Councilor Abban made a motion to close the public hearing, seconded by Councilor Barnett. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried. Councilor Abban made a motion to approve, seconded by Councilor Austin. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried and the ordinance was approved.

**Common Council Resolution No.: 12-09 - A Resolution of the Common Council of the City of Franklin, Indiana Approving Certain Matters in Connection With the Formation of a Certain Economic Development Area (Cinergy Metro Net)** – Councilor Barnett made a motion to read by title only, seconded by Councilor Abban. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried, and Mayor McGuinness read the title aloud. A discussion was held. Councilor Abban made a motion to approve, seconded by Councilor Barnett. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

**Common Council Budgetary Ordinance No.: 12-03 - A Budgetary Ordinance Repealing and Replacing Budgetary Ordinance No.: 12-02 A Budgetary Ordinance Fixing and Authorizing the Payment of Certain Salaries of Appointed Officers and Employees of the City of Franklin, Indiana for Year 2012 (Civil City) As Amended** – Councilor Barnett made a motion to read the proposed ordinance by title only, seconded by Councilor Abban. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried, and Mayor McGuinness read the title aloud. The Mayor explained that this amended salary ordinance includes a new full time City Engineer. He stated that 40% of the salary would be drawn from the General Fund – BOW budget, 30% from the Sewer Utility Fund – Sewer Billing Office budget, and 30% from the MS4 budget. The goal is to ensure that the total of funds appropriated between all three funds will be adequate to fund the position and pay all associated employment costs. The Mayor and many others stated that they believe that a full time onsite staff Engineer is needed. A discussion was held. Mayor McGuinness requested the following amendments to the ordinance: 1. The position would be 37.5 hour per week employee, 2. The City Engineer is classified as an exempt employee; 3. The funding for the position of City Engineer is split between funds: 40% General fund, 30% Sewer Utility, and 30% MS4; and 4. The annual salary will not exceed \$75,000 per year including benefits. A discussion was held. Councilor Abban made a motion to amend the ordinance to include the four items discussed, seconded by Councilor Barnett. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried. Councilor Abban made a motion to approve Ordinance 12-03, seconded by Councilor Barnett. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

**Common Council Budgetary Ordinance No.: 12-04 - An Additional Appropriation Ordinance from General Fund 101 to General Board of Works Engineer 101 005 111 in the Amount of \$75,000.00** - Councilor Barnett made a motion to read the proposed ordinance by title only, seconded by Councilor Abban. A voice vote was taken with all members stating Aye. No members stating Nay.

The motion carried, and the Mayor read the title aloud. Clerk-Treasurer Alexander stated that the initial ordinance presented was for \$75,000.00 for the position of the City Engineer in the Board of Works budget. However since 60% of the salary and benefit costs for the position will be paid from Sewer Utility and MS4, the additional appropriation request should be reduced to \$40,000. The Mayor opened the floor for a public hearing. No one asked to speak. Councilor Henderson made a motion to close the public hearing, seconded by Councilor Abban. A voice vote was taken with all members stating Aye. No members stating Nay, and the public hearing was closed. Councilor Abban made a motion to amend Ordinance 02-13 approving an additional appropriation of \$40,000 in the Board of Works budget, seconded by Councilor Barnett. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried. Councilor Abban then made a motion to approve Budgetary Ordinance 12-04, seconded by Councilor Barnett. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

### **New Business**

**Common Council Ordinance No.: 12-11 - An Ordinance Approving Resolution No.: 12-04 of the City of Franklin, Indiana Plan Commission, Amending Article 8 & Amending Article 13 of the City of Franklin Zoning Ordinance (To be known as the Sign Ordinance Amendment)** – Councilor Barnett made a motion to read the proposed ordinance by title only, seconded by Councilor Abban. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried, and the Mayor read the title. Planning Director Krista Linke & Associate Planner Kevin Tolloty came forward and gave a presentation concerning the changes to the sign ordinance. A discussion was held. Mayor McGuinness stated that information concerning the sign ordinance is on the City website. Mr. Jerry Tharp speaking on behalf of Karen Duckworth the owner of Jeff Street Pub stated that they are opposed to the limitation allowing banners to be hung no more than 90 days. He asked the Council to remove this restriction. Mr. Tharp stated that the banners attract more people to their business. Mr. Tharp would like the Council to change this part of the ordinance. City Attorney Gray stated that the Board of Zoning Appeals had asked her to cleanup sections of the sign ordinance. The ordinance was presented for introduction only tonight, and will come back for Public Hearing during the next regular meeting set for May 21, 2012.

### **Other Business**

#### **Council Members Comments Concerning Board & Commission Activities**

Councilor Austin stated that an EDC meeting is scheduled tomorrow morning at 8:00 a.m. Councilor Henderson stated that the next RDC meeting will be held May 17<sup>th</sup> and they are considering entering into an agreement with Steve Watson for financial reporting. Councilor Henderson also stated that the RDC is working toward getting old City Hall placed on the national historic register. Councilor

Hougland stated that he had nothing new to report for the FDC. Councilor Henderson asked if the FDC was still trying to purchase the former Red Carpet Inn property. Councilor Hougland said that project is still up in the air. Councilor Barnett asked if anyone had any knowledge about the progress on the Hazelett Building. No one offered any new information. Councilor Barnett stated that the Board of Works tabled consideration of the Franklin Township Fire Contract and that they are discussing changes to the alleyway adjacent to the Artcraft Theatre.

Mayor McGuinness told the Council that the Board of Works had also discussed leasing an area of City Hall (formerly Clementine's) to Franklin College. The space will be run by college students as a juice bar, coffee house, a gallery to display and sell artwork, and as a satellite college bookstore. It would be opened at various times into the evening, and would have free WIFI available, pending Board of Works approval of the lease agreement.

### **Announcements & Presentations**

None

### **Adjournment**

A motion and a second were made to adjourn. As there was no further business to come before the Common Council, the meeting adjourned at 7:53 p.m. The next regular meeting will be held Monday, May 21, 2012 at 6:30 p.m.

Respectfully submitted,  
Janet P. Alexander, Clerk-Treasurer

Enrolled 5/17/2012

Approved by Common Council: \_\_\_\_\_