

CITY OF DECATUR
BOARD OF PUBLIC WORKS & SAFETY MINUTES
SEPTEMBER 20, 2011

The City of Decatur Board of Public Works and Safety met on Tuesday, September 20, 2011 at 6:00 p.m. at City Hall in Council Chambers. Members present were Mayor John Schultz and Board member Bill Karbach and Ken Meyer. Also present was City Attorney, Tim Baker and Clerk-Treasurer, Phyllis Whitright.

The meeting was called to order by Mayor John Schultz. The Clerk-Treasurer emailed the minutes from September 6th meeting. There were no corrections or amendments. Karbach made a motion to approve the minutes as emailed. Meyer seconded the motion. Motion carried.

Mayor Schultz was given information from Officer Jim Franze to allow individuals from Community Corrections and Work Release to work for the City. The City Attorney will review the waiver of liability and report back at the next Board of Works meeting.

Council members Charlie Cook, Bill Crone, Matt Dyer and Barb Engle attended the Board of Works meeting.

The Mayor received a letter dated August 16, 2011 from Mediacom which states the cable franchise agreement between the City of Decatur and Mediacom approved on March 5, 2001, that the franchise fee may be reduced to the level of expenditure at which the competitor is obligated if Mediacom becomes subject to competition. The Federal Communications Commission determined that effective competition is present in the City of Decatur. DISH Network and DirecTV both compete with Mediacom in the Decatur area, and neither company is obligated to pay a franchise fee. Mediacom will therefore cease to collect and remit franchise fees to the City ninety (90) days after the date of the letter. The City receives approximately \$26,000 a year from cable franchise fees. The City Attorney will review the contract with Mediacom and report back at the next Board of Works meeting.

It was discussed to amend the City Code of Ordinances to have a set time instead of dusk to dawn for the hours in the parks. Signs will be posted the parks are open from 6:00 a.m. to 10:00 p.m., unless there are special events previously scheduled.

City Attorney, Tim Baker received a request from Street Commissioner, Jeremy Gilbert to continue clearing up the shared right-of-ways with the County. Deeds will need to be prepared to transfer property from County to the City and then recorded. The Street Commissioner is requesting this to avoid confusion on who should maintain the roads. A surveyor will need to be hired to provide legal descriptions for these properties. By consensus, Gilbert is to get a list of roads and report back at the next Board of Works meeting.

The Mayor was approached by Coni Mayer, Executive Director of Adams County Community Foundation about applying for a grant for a local artist, Greg Mendez. Mayer wanted permission to possible display a sculpture at one of the City facilities. Mayor Schultz will get more information from Mayer when she returns from vacation.

Street Commissioner, Jeremy Gilbert informed the board members, that in 1995 the Federal Highway gave guidelines on ADA ramps, a recent survey was done and only 30% were compliant. Now the Federal Highway is requiring strict guidelines. There are approximately 220 ramps in the city that are non-compliant. The City is required to have a plan in place on how many ramps will be done per year, who will do the work, and how this project will be funded. The City Attorney prepared Resolution No. 2011-6, a resolution of the Decatur Board of Public Works and Safety which establishes an ADA Coordinator for the City of Decatur. This resolution recognizes its obligation to comply with the requirements of the Americans with Disabilities Act (ADA), and will take necessary steps in order to insure compliance, and appoints Jeremy Gilbert, Superintendent of the City Street and Sanitation Departments as ADA Coordinator of the City of Decatur. Gilbert, as being the ADA Coordinator will also be responsible for handling any grievances. Karbach made a motion to introduce Resolution No. 2011-6 by short title only, Meyer seconded the motion. Motion carried. Karbach made a motion to approve Resolution No. 2011-6, Meyer seconded the motion. Motion carried.

It was explained that City employees who are full-time employees and are also volunteer firefighters when called to a fire while being paid under their full-time position, should not be compensated for the volunteer pay too. According to Indiana State Board of Accounts, the Ghost Employment statute in IC 35-44-2-4 there is a provision for a city or town to allow its employees to go and fight fires for a separate volunteer fire company without losing any pay, but the company has to be a separate not-for-profit. But for the City of Decatur, these employees would have to be paid at the rate that is set for the position they are filling at the time of the fire, and not for both rates. Also, the City's regular policy for workers comp. insurance would cover these employees, but if these full-time employees would get hurt during a fire, and not be able to return to their full-time positions, then the accident and sickness policy for the volunteer firefighters would cover them.

Mayor Schultz reported Phase II of the Decatur Casting Site is in progress. Adams County has to sign a form accepting IDEM's findings so the property can be developed for commercial or industrial purposes. Also, the City Attorney and the County Attorney will work together to get a clear title to the property to be ready for purchase.

Roger Gage, Building Supt., handed out a sample of the letter Adams County Community Foundation (ACCF) will be mailing for donations toward 7th Street depot station. The Mayor will contact Coni Mayer, Executive Director of ACCF to attend the October 4th Board of Works meeting to explain the fund raiser.

Steve Krull, Parks & Recreation Supt. informed the Board members that the Parks Department was awarded a tree grant from Indiana Department of Natural Resources for \$30,000. The City would have to pay for the trees first, and then IDNR will reimburse the City. Krull will request permission at the Council meeting to setup a separate fund to facilitate this grant.

Board member, Bill Karbach who is handling Operation Cleanup requested permission to tag vehicles that are not following the City Code of Ordinances. Meyer made a motion to approve Karbach's request. Schultz seconded the motion. Motion carried.

There being no further business, Meyer made a motion for adjournment. Karbach seconded the motion. Motion carried. The meeting was adjourned at 7:30 p.m.