BOARD OF PUBLIC WORKS AND SAFETY

Regular Meeting July 15, 2014

The regular meeting of the Board of Public Works and Safety of the City of Shelbyville, Indiana, was held in the Common Council Chambers of City Hall on Tuesday, July 15, 2014, at 8:28 A.M. All members were present, and Mayor DeBaun presided.

Mr. Williams moved to approve the minutes of the previous meeting held on July 7, 2014, and Mr. Finkel seconded. The motion was carried on a 3-0 voice vote.

Mr. Finkel moved to approve the claims as presented, and Mr. Williams seconded. The motion was carried on a 3-0 voice vote.

Under old business, Mayor DeBaun asked if Vinot Gupta was present to talk about his property at 334 E. Pennsylvania St.; a certified letter was signed for him to appear today, and he didn't come, so Plan Commission Director Dann Bird was asked to give a recommendation. Dann gave a recommendation to either have the house rehabbed within thirty days, or have it torn down. Mr. Finkel moved to accept Dann's recommendation, and Mr. Williams seconded. Under discussion, Mr. Finkel said this decision was made because of the conditions on the interior of the home, not necessarily on the exterior. The motion was carried on a 3-0 voice vote.

Under new business, Fire Chief Tony Logan requested permission to replace a 1992 fire truck by advertising in the paper. He said the Council has approved the funding for a replacement. Mr. Williams moved to approve the request, and Mr. Finkel seconded. The motion was carried on a 3-0 voice vote.

City Attorney Trent Meltzer presented a Resolution to convey three properties from the Board of Works to Rupert's Kids, Inc. They were located at 947 E. Morris Ave., 322 E. Franklin St., and 1434 S. Miller St. The City is assessing the actual costs to the City, to be paid by Rupert's Kids, Inc., and once paid; all rights, title and interest shall be transferred to them. Mr. Finkel moved to approve the Resolution, and Mr. Williams seconded. The motion was carried on a 3-0 voice vote.

Mayor DeBaun announced that the July 29 BOW meeting has been changed to Wednesday, July 30, at 8:30 A.M.

There were two dog bite cases to be heard today, and because someone had to leave by 9:00 A.M., the Mize case was done first. Animal Shelter Director Keith Barrett said a Police Officer was called on July 5 to respond to a dog bite at Hendricks Pointe Apartments. The Animal Shelter followed up on this, and after reviewing pictures of the bite and hearing of other incidents with the dog that weren't reported, they took the dog and asked for a hearing today. Mayor DeBaun said he expected everyone coming to the microphone to tell the truth, even though this isn't a Court of Law, there will be differing viewpoints on this, and he didn't want any screaming, shouting, or pointing. He just wanted the information and told the audience that a decision might not be made until next week. The owner of the dog, Russell Mize, Sr., Hendricks Pointe Apartment, Room 210, was with his dog Petey, who was tied to a cable, and he was with another resident outside. A man and his son came by and the boy got tied up with the cable, and Petey "scratched" him. Before having a chance to see what happened, the father snatched his boy away, and took him to the boy's Grandmother. Russell took his dog into the Apartment, and waited for the Police Officer and Animal Control, because he knew from the actions of the father that the Police would be called. Mr. Mize answered many questions about the cable and his dog being a service dog. Daren Phelps, the father of the boy who was bitten, gave his version of what happened, and took his son to the hospital, where they gave him a butterfly stitch. Several people from Hendricks Pointe Apartment and the dog's groomer spoke either for or against the dog, Petey, with many saying he's a "territorial" dog. The manager of the Apartment, David Sloan, said there was a video of the incident. Mr. Mize said Petey will be three years old in November, the cable is 15 to 16 feet long, and the dog has had all of its shots. Mr. Finkel, after hearing everything, said the Board needs to do more research, like visiting the dog, see the video, try to talk to the caretaker, learn more about service dogs, and what goes on. Mr. Finkel moved to take this under advisement for a week, and Mr. Williams seconded. Under

discussion, the dog will continue to be kept in confinement at the Shelter. The motion was carried on a 3-0 voice vote to carry this until next week, on Tuesday July 22, at 8:30 A.M.

On the second dog bite case, Animal Control Officer Jim Lane said there was a dog bite incident in an alley on June 26. The parties involved were Misty Atwood, 150 E. Penn St., and Melissa Mitchell, 35 Walker St. Officer Lane said Melissa was walking her dog down an alley, and the two Atwood dogs were playing with Mrs. Atwood's children in the back yard when the two dogs attacked Melissa's dog. Melissa pepper-sprayed the two dogs, and when Officer Lane arrived, he said the Atwood's were screaming that their dogs were pepper-sprayed, and it wasn't right. Officer Lane said although the Atwood dog was the aggressor, the Mitchell dog got the best of the aggressor dog by grabbing it at the throat. Officer Lane said he quarantined the Atwood dog because it was the aggressor dog, and he felt the Mitchell dog was protecting its owner. Both ladies talked about their side of the story as to what happened. The Atwood's do not have a fence or a kennel, and they rent the property. Mr. Finkel said that for the dog to be released from the Animal Shelter and to live in the City, it needs to be in an area that's secured, whether by leash, kennel, or fence. Mayor DeBaun and Officer Lane felt the dog could be released back to its owner under certain conditions. Mayor DeBaun said the dog needs to be contained at all times, whether it's in the house, on a leash, in a kennel or have a fence. He said he's not willing to give her the dog until the Animal Control has either observed either a kennel or a fence. Mr. Finkel said he felt it needed to be done within a reasonable amount of time, say thirty days. Officer Lane said he was agreeable with that. It was pointed out that the City needed to be reimbursed for any expenses that were incurred during its confinement. One week will be waived because the hearing couldn't be held last week. If Mrs. Atwood will voluntarily relinquish the dog, Mayor DeBaun said the Animal Shelter will work to see that the dog is adopted. Mr. Finkel moved to allow the Atwood's thirty days to either put up an acceptable fence or a kennel, bring the dog current on its shots, the City will recover whatever impoundment fees were applicable minus the week that was missed when the City couldn't meet, and if the thirty day time limit couldn't be met, then the dog is available for adoption, as agreed to by Mrs. Atwood. Mr. Williams seconded. The motion was carried on a 3-0 voice vote.

There being no further business, Mr. Williams moved to adjourn.

Thomas D. DeBaun
Mayor

ATTEST:

Frank Zerr

Frank M. Zerr
Clerk-Treasurer

FILED
CITY CLERK-TREASURER
JUL 10 2014
FRANK M. ZERR

RESOLUTION NO. 2014-3

RESOLUTION OF THE BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF SHELBYVILLE, INDIANA APPROVING A PROPERTY TRANSFER TO RUPERT'S KIDS

WHEREAS, pursuant to Resolution No. 2013-2, the City of Shelbyville, acquired tax sale certificates to three properties that went unsold at the 2013 Tax Sale;

WHEREAS, the City subsequently received tax deeds for these properties;

WHEREAS, it is in the best interest of the City to transfer these properties to an organization that will perform the necessary repairs, such that these properties become habitable and are returned to the tax rolls;

WHEREAS, Rupert's Kids, Inc. desires to rehabilitate these properties by providing vocational training to at-risk youth in our community;

WHEREAS, Rupert's Kids, Inc. agrees to reimburse the City for the City's costs in acquiring these properties;

WHEREAS, Rupert's Kids, Inc. is an Indiana nonprofit corporation organized for educational, literary, scientific, religious, or charitable purposes that is exempt from federal income taxation under Section 501 of the Internal Revenue Code; and

WHEREAS, IC 36-1-11 does not apply to this sale of property, pursuant to IC 36-1-11-1(b)(7).

NOW, THEREFORE, BE IT DETERMINED, ESTABLISHED, AND RESOLVED by the City of Shelbyville, Indiana, as follows:

1. Upon payment of $481.37, the City of Shelbyville shall transfer all rights, title and interest that the City currently possesses in Parcel No.: 73-07-33-300-021.000-002, more commonly known as 947 East Morris Avenue, Shelbyville, Indiana, 46176, to Rupert's Kids, Inc.

2. Upon payment of $323.20, the City of Shelbyville shall transfer all rights, title and interest that the City currently possesses in Parcel No.: 73-07-32-400-061.000-002, more commonly known as 322 East Franklin Street, Shelbyville, Indiana, 46176, to Rupert's Kids, Inc.

3. Upon payment of $395.17, the City of Shelbyville shall transfer all rights, title and interest that the City currently possesses in Parcel No.: 73-11-07-200-049.000-002, more commonly known as 1434 South Miller Street, Shelbyville, Indiana 46176, to Rupert's Kids, Inc.

4. The Mayor and/or his designee may execute any documents necessary to effectuate the terms of this Resolution.

Adopted this 15th day of July, 2014, by the City of Shelbyville, Indiana by and through its Board of Public Works and Safety.

Tom DeBaun, Mayor

Robert Williams, Member

David Finkel, Member

Attest:

Frank Zerr, Clerk-Treasurer