BOARD OF PUBLIC WORKS AND SAFETY

Regular Meeting August 26, 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, August 26, 2014, at 8:33 A.M. All members were present, and Mayor DeBaun presided.

Mr. Williams moved to approve the minutes of the previous meeting held on August 19, 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.

There was no old business.

Under new business, Mayor DeBaun said there was a request being made from Tommy Macklin, who lives at 624 Sixth Street. Mr. Macklin said he is requesting the City to grant him an encroachment on a piece of property for a fence. Mr. Macklin said he and his girlfriend moved into the house at 624 Sixth Street, which is owned by her Grandfather. She has two small children ages two and four, and they want to keep them away from the street. He said a problem has occurred because her Grandfather put the tree line where the property line is, and there are 15 trees on the property line. He said one option is to put the fence 15 feet in front of the property line, or on top of the hill, which is where the old railroad tracks were, which is what he would like to do. Mayor DeBaun wanted to be sure Mr. Macklin understood that if the City needed to do work on Evans St. for sanitary or storm work, it would be his responsibility to move the fence, and he said yes. Mr. Finkel asked Mr. Macklin if he would be willing to take care of the grass on the other side of the fence. He said yes because he's already doing it, but he finds lots of trash and bottles when he does care for it. Mr. Finkel said it needs to be clearly understood that if the house is sold, and this is granted, it needs to be made sure that the property is not part of the house, so there would have to be an attachment to the deed stating the agreement so there is cross-referencing, and no question in the future. Mayor DeBaun asked City Attorney Trent Meltzer if he could draft something simple so we can do that. If he can, Mayor DeBaun asked Mr. Macklin if he could get a copy of the ordered deed, so the instrument number could be pulled off of it to cross-reference Trent's document. He could then sign it and record it. Mayor DeBaun told Mr. Macklin that he would need the recorded copy from the Recorder's Office, because that's where the instrument number is. Mr. Finkel moved to approve Mr. Macklin's request, with the following conditions: that the petitioner agrees to maintain the property all the way to Evans Street; that they coordinate the location with the Building Department; that the fence, in the future, must be removed at the request of the City for any reason; and fourth, that this agreement must be attached to the deed. Mr. Williams seconded. Mr. Macklin said he understood the terms required. The motion was carried on a 3-0 voice vote. Mayor DeBaun asked Mr. Macklin to get with Michele Hansard, with the Plan Commission Department, to finish needed items.

Mayor DeBaun said two items needed to be taken under advisement. The first was a dog bite case where there will be a hearing next week, unless the owner decides to relinquish the dog. The meeting will be next Wednesday, at 5:30 p.m. The second was a case where an appeal was filed today on an action taken by the Building Commission. Mr. Williams moved to take both cases under advisement, and Mr. Finkel seconded. The motion was carried on a 3-0 voice vote to take them under advisement.

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

Thomas D. DeBaun
Mayor

ATTEST:

Frank Zerr

Frank M. Zerr
Clerk-Treasurer