BOARD OF PUBLIC WORKS AND SAFETY

Regular Meeting September 9, 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, September 9, 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 September 3, 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 said he received a letter in an affidavit from Brent Drake regarding his properties at Autumn Trace, requesting that the City enter his property to pick up the trash. He asked Brent to approach the podium. Brent said he recently purchased Autumn Trace apartments, off the edge of Knightstown Road. He said there are nine duplexes, and there are approximately twelve senior citizens living there who can barely take their trash to the end of their driveway. He said he'd like to see the City pick up their trash like any normal housing addition here in town. Brent said it's been addressed that the street is not built strong enough to take the City trash truck, but Caldwell Gravel uses their truck to pick up trash every week, and has done so for many years without any problems. Brent said he was told the City has no place to turn around at the end of the street, but Caldwell Gravel turns around in one of the driveways. He said most of the senior citizens only have one car, and it sits up in the carport area. Brent said the City's snorkel fire truck is brought in there to practice turning it around. He said it's costing him $4,200.00 a year to have the trash picked up, while rental properties don't have to pay for trash to be picked up, so he didn't think he should have to either. Mr. Finkel had some questions. Asking Brent what his relationship was to Autumn Trace, Brent said he purchased it September 1, 2014, and he said there are no single homeowners, just rentals. Mr. Finkel asked if Brent was aware that Caldwell picked up the trash before he purchased Autumn Trace, and he said yes. Mr. Finkel said the development has been going on like this since 1991, and the only reason this is being brought up now is because you own it, because this has never been brought up before as an issue? He said yes because he owns several other rentals here in town. He said he doesn't see why the City can't pick the trash up. Mr. Finkel mentioned that the City doesn't pick trash up for apartment complexes or rentals. Mr. Williams asked if the street was built to City specs, and Mayor DeBaun said it wasn't in the sense that the width and the cul-de-sac at the end didn't meet the specs. Mayor DeBaun said he talked with Tim Barrick, who was one of three partners, Group 3 Development, who built it. When Tim and the group received approval in 1991, it was with the understanding that the street would not be dedicated to the City, would not be maintained, whereby the City wouldn't plow the snow or pick up the trash; they did it as a private development. Brent said he's trying to keep the units for people 55 and older, and the street is only about 200 yards long. Mayor DeBaun said he talked with the Street Commissioner, and there was some discussion about picking up the trash if there was a central location at the end of the street, on Knightstown Road, to avoid having to go on his street. Brent doesn't like that because many of his tenants are elderly, and many can barely get the trash to the end of their driveway, let alone to the end of the street. Mr. Finkel said the issue for him has been the fact that it was developed as an apartment complex, or individual duplexes, and by picking up the trash, it would set up a precedent for everybody else to get the same services. Mr. Finkel said he couldn't see how the City could go forward because it's an apartment complex. Brent said in a City Ordinance, the City picks trash up for duplexes, so he said that didn't hold water either. He said he wants the City to pick up the trash so he can increase his profit margin, but he also said he would take care of the snow and ice, and anything with the street if a City trash truck damages the street. Mayor DeBaun said he understood his plight and concern, but he felt like Mr. Finkel, and to him, in principle, it's no different than Water Dance, Cimarron, or other places. When it was originally developed, everyone was on notice at the time that this was a private street, and the City would not pick up the trash, or do snow removal. The Mayor's fear is that Coers' apartments, and some other places will come in wanting the same thing. Brent said those places are more than a quad, and the Ordinance states that less than that can have trash picked up. Mayor DeBaun questioned Brent where the Ordinance states that, and he said he didn't read it, but attorney Jason Karmire told him that was the case, and he usually stays up on that, he said. To his knowledge, Mayor DeBaun said he doesn't know that that Ordinance exists, but he'd be

happy to research it for him. The Mayor said the Street Department may have a policy, or the City may have a policy that indicates four or more units. Mayor DeBaun said it will be researched by him and the City Attorney if he would like, and Brent said he wished they would. Mr. Finkel moved to continue this pending further research, and Mr. Williams seconded. The motion was carried on a 3-0 voice vote to continue this. Mayor DeBaun told Brent the next Board meeting would be held Tuesday, September 16, at 8:30 A.M.

There was no new business.

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

Thomas D. DeBaun
Mayor

ATTEST:

Frank M. Zerr
Clerk-Treasurer