

BOARD OF PUBLIC WORKS AND SAFETY

Special Meeting

April 28, 2017

A special meeting of the Board of Public Works and Safety of the City of Shelbyville, Indiana, was held in the Council Chambers of City Hall on Friday, April 28, 2017, at 1:30 P.M. Mr. Williams was absent, and Mayor DeBaun presided.

Because it was a special meeting, no minutes were approved, nor were any claims presented for approval.

There was no old business.

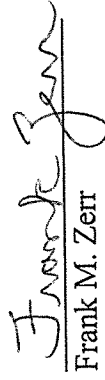
Under new business, City Attorney Trent Meltzer said the Board had in front of them Resolution No. 2017-2, which is being brought up because of Senate Enrolled Act 213. Action needed to be taken by communities throughout the State by May 1, 2017. Trent said wireless utilities wanted greater and easier access to City right-of-ways. With the impending deadline, Trent said cities had to designate certain right-of-ways within the City as being only for underground or buried utilities. Mayor DeBaun had some comments he wanted to make on this issue. He thought, first of all, that this legislation handed down from the State is bad legislation. He said that any time you remove the local authority, wherein the local authority knows what is best for its citizens, for its situation, and for the things it's trying to accomplish as a community, any time you take away that opportunity for those things to be handled in the purest form of democracy, he said it's bad legislation. He thinks it is an unfortunate over-reach by state legislation as well. In this case, it's removing local authority for private gain, which he thinks is wrong as well. In addition, he feels the legislation contains burdensome regulations for the local homeowners associations. They are now going to be required to provide some sort of service and structure, which they normally do not have to provide. For many years, he said the Plan Commission has worked very hard to regulate the aesthetics in the community. Now, he said, we have a group of state legislators who have tossed all the work the City has done, and thrown it all to the wind. What concerns the Mayor is that the City is preparing to spend a significant amount of money in our downtown, which would be public right-of-way, just conceivably, so it could be dotted with micro cell towers, which is exactly what the City doesn't want to happen. He wanted to thank Representative Everhart and Senator Crider for voting against this at the Statehouse, and AIM for bringing this to our attention to do something before the May 1 deadline, and being our advocates. In his over twenty some years in government, Mayor DeBaun sees this as a trend of removing local authority that he finds to be concerning. He thinks it's incumbent among all of us to pay better attention to what's happening at the State and Federal level, because the scuttlebutt is that if the states can't get this accomplished, then it will be overridden at the federal level through the FCC regulations. He thinks it's extremely bad policy to set. Mr. Finkel moved to approve Resolution No. 2017-2 as presented, with kudos to our staff for making sure that we beat the May 1 deadline, and showing how nimble our City government actually is. Mayor DeBaun appreciated that, and seconded the motion. The motion was carried on a 2-0 voice vote.

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



Thomas D. DeBaun
Mayor

ATTEST:



Frank M. Zerr
Clerk-Treasurer