

**FRANKLIN CITY COUNCIL
SEPTEMBER 16, 2013**

Members of the Franklin City Council met in regular session on Monday, September 16, 2013, 6:00 p.m. at the Franklin City Building, Mayor Scott Lipps presiding.

Roll call showed:

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| Denny Centers | present |
| Matt Wilcher | present |
| Jason Faulkner | present |
| Scott Lipps | present |
| Carl Bray | present |
| Michael Aldridge | present |
| Todd Hall | present |

There was one member of the press and 8 visitors at tonight's meeting. Also present: Mr. Ross Coulton, Assistant Safety Director; Mr. Jonathan Westendorf, Fire Chief; Mr. Russ Whitman, Police Chief; Ms. Donnette Fisher, Law Director; Ms. Sandra Morgan, Finance Director; Mr. Sonny Lewis, City Manager and Mrs. Jane McGee, Clerk of Council.

The Pledge of Allegiance was led by Brent Centers.

Mr. Faulkner made the motion to approve the Clerk's Journal and accept the tapes as the official minutes of the August 19, 2013 regular meeting; seconded by Mr. Hall. The vote:

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|--------------|---------|
| Mr. Wilcher | yes |
| Mr. Faulkner | yes |
| Mr. Lipps | yes |
| Mr. Bray | yes |
| Mr. Aldridge | abstain |
| Mr. Hall | yes |
| Mr. Centers | yes |

Motion passed.

RECEPTION OF VISITORS

Patrick Dugan, 3479 Jeffery Drive, introduced himself to Council as he is a candidate for Franklin Township Trustee. He has been involved in Franklin organizations, grew up in Franklin and wants to contribute to the area.

PUBLIC HEARING ORDINANCE 2013-17 AMENDING SECTIONS 721.03(D) AND 721.08(A) OF THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO

Mr. Lewis stated that this will allow itinerant vendors, such as food trucks, to operate on public property. There is a food truck, operated by Mr. John Ramos, who wants to come to Franklin. A permit application has to be approved. This has been presented to the Finance Committee. Ms. Fisher noted that the Utility Committee approved this 3-0.

Mr. Bray stated the discussion in Finance Committee was concern about the effect on the restaurants in downtown as we don't want to hurt them and that Health Department requirements will be meet.

Mayor Lipps opened the Public hearing and asked for any public comments. There being none, he closed the Public Hearing and asked for any Council comments. Mr. Faulkner stated that he has no problem with this, but has concerns that it is monitored.

Mr. Hall made the motion to adopt Ordinance 2013-17; seconded by Mr. Wilcher. The vote:

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|--------------|-----|
| Mr. Faulkner | yes |
| Mr. Lipps | yes |
| Mr. Bray | yes |
| Mr. Aldridge | yes |
| Mr. Hall | yes |
| Mr. Centers | yes |
| Mr. Wilcher | yes |

Motion passed.

LIQUOR PERMIT TRANSFER TRANSFER OF C1 AND C2 PERMITS FROM DONALD D. HARTBARGER, DBA OUTSIDE INN DRIVE THRU, 980½ E. SECOND STREET TO FRANKLIN DRIVE THRU, 980½ E. SECOND STREET * (corrected typo)

Chief Whitman stated there are no objections – nothing in the background check.

There being no motion made requesting a hearing, this will be returned that a hearing is not requested.

RESOLUTION 2013-42 APPOINTING BRENT CENTERS TO THE CITY OF FRANKLIN CIVIL SERVICE COMMISSION

Mr. Lewis stated that there is a vacancy on the Civil Service Commission and Mr. Brent Centers has submitted a letter of interest to be appointed. Mr. Centers is present tonight and staff recommends.

Mr. Bray made the motion to adopt Resolution 2013-42; seconded by Mr. Faulkner. The vote:

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|--------------|---------|
| Mr. Lipps | yes |
| Mr. Bray | yes |
| Mr. Aldridge | yes |
| Mr. Hall | yes |
| Mr. Centers | abstain |
| Mr. Wilcher | yes |
| Mr. Faulkner | yes |

Motion passed.

RESOLUTION 2013-43 APPROVING THE SETTLEMENT AGREEMENT WITH THE BOARD OF EDUCATION OF THE FRANKLIN CITY SCHOOL DISTRICT, WARREN COUNTY, THE WARREN COUNTY AUDITOR, THE BOARD OF EDUCATION OF THE WARREN COUNTY CAREER CENTER, FRANKLIN TOWNSHIP, THE BOARD OF MENTAL HEALTH RECOVERY SERVICES OF WARREN AND CLINTON COUNTIES, WARREN COUNTY COMBINED HEALTH DISTRICT AND THE FRANKLIN PUBLIC LIBRARY

Ms. Fisher stated in April, the Franklin City Schools found that the County Auditor had made a mistake in the calculations. The County Auditor used the improper base year – used 2006 and it should have been 2007 – and the City received approximately \$500,000 too much. We have had several meetings on this with the County & the Schools. Also, other tax entities received less than they should have. We have 4 TIFs and if we cancel them effective 1/1/14 we will receive TIF payments for 2013, the correct amount will be used and then payments will stop in 2015. We feel this is the easiest way to do. Everyone will

recoup the monies they should have received to make them whole. The Schools will be \$41,000 short and that will come out of our TIF payment. We feel this is fair to all.

Mr. Bray asked about next year's payment. Ms. Fisher stated we will receive 2013 payments next year. The Wal-Mart TIF will be properly calculated and the TIFs will be cancelled for 2014. We feel this is a good deal for all; with the cancellation of the TIFs, property owners should pay less in 2014 tax year.

Mayor Lipps stated that this has been a long on-going process. The Schools said they hadn't received enough money – the County Auditor had miscalculated.

Mr. Centers asked if this has been presented to the School Board. Ms. Fisher stated, yes, and all entities are on board.

Mr. Faulkner made the motion to adopt Resolution 2013-43; seconded by Mr. Aldridge. The vote:

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|--------------|-----|
| Mr. Bray | yes |
| Mr. Aldridge | yes |
| Mr. Hall | yes |
| Mr. Centers | yes |
| Mr. Wilcher | yes |
| Mr. Faulkner | yes |
| Mr. Lipps | yes |

Motion passed.

Mayor Lipps acknowledged the job done by Ms. Fisher.

RESOLUTION 2013-44 AUTHORIZING SALE OF CERTAIN CITY-OWNED VEHICLES BY THE POLICE DIVISION AND PUBLIC WORKS DEPARTMENT

Mr. Lewis stated that the Police Department and Public Works Department has vehicles to get rid of. Each department has 4 vehicles they no longer use and we are proposing to sell them on GovDeals.com this year.

Mr. Centers questioned the amount of money we would receive and if another community would want them. Mr. Lewis stated we don't know what we will receive, will depend on the condition of the vehicles and who really wants them and we don't know of any community interested in them. He further noted that we have sold vehicles to interested communities in the past.

Mr. Centers made the motion to adopt Resolution 2013-44; seconded by Mr. Wilcher. The vote:

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|--------------|-----|
| Mr. Aldridge | yes |
| Mr. Hall | yes |
| Mr. Centers | yes |
| Mr. Wilcher | yes |
| Mr. Faulkner | yes |
| Mr. Lipps | yes |
| Mr. Bray | yes |

Motion passed.

RESOLUTION 2013-45 ACCEPTING THE AMOUNTS AND TAX RATES AS DETERMINED BY THE WARREN COUNTY BUDGET COMMISSION, AUTHORIZING THE NECESSARY TAX LEVIES, AND CERTIFYING THEM TO THE WARREN COUNTY AUDITOR

Ms. Morgan stated that this is the final step in the tax budget process and it is due to the Warren County Auditor by October 1. It shows that property tax revenues will increase and local government receipts will remain the same.

Mr. Bray asked if we anticipate the Local Government Funds decreasing. Ms. Morgan stated we don't know what is going to happen with those funds.

Mr. Bray made the motion to adopt Resolution 2013-45; seconded by Mr. Faulkner. The vote:

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| Mr. Hall | yes |
| Mr. Centers | yes |
| Mr. Wilcher | yes |
| Mr. Faulkner | yes |
| Mr. Lipps | yes |
| Mr. Bray | yes |
| Mr. Aldridge | yes |

Motion passed.

CITY MANAGER'S REPORT

Mr. Lewis reported on the following:

- The following information was handed out at today's Chamber meeting & copies are in your mail boxes: the Franklin Public Library levy on the November ballot; Franklin City Schools events calendar; Open House for Caring Partners on Shotwell Drive is September 28th from 11 a.m. to 3 p.m.
- Ribbon Cutting for Franklin Family Practice, with Atrium Hospital, is September 26th, 3 p.m. to 6:30 p.m. at Franklin Square, Suite 21D

LAW DIRECTOR'S REPORT

Ms. Fisher reported on the following:

- When the settlement agreement is signed by all the parties, legislation will be presented to Council to cancel the TIFs
- Meeting next Monday on the Farmer's Market for next year

COUNCIL COMMENTS

Mr. Hall thanked Brent for serving on the Civil Service Commission and remember Patriot Day is tomorrow.

Mr. Centers welcomed Brent and he has talked with a School Board member who thanked us for working on the agreement.

Mr. Aldridge thanked everyone for coming tonight; thanked Brent for volunteering and serving on the Civil Service Committee; the Scholarship Dinner last week at Shaker Run was a success, 100 people raised \$10,000 & received \$5,000 from Mr. Elam; parking at the Park is a mess on the weekends, parking on grass and blocking traffic on main drive to back of Park; asked if the billboards on Conover are allowed (Ms. Fisher stated it has been approved).

Mr. Wilcher thanked everyone for coming; thanked Brent for serving on the Civil Service Commission and commended Wanda, the Vineyard Church & staff on the recent Drug March.

Mr. Bray thanked Brent for volunteering to serve on the Civil Service Commission; good job done with the Drug March; and the Chamber Expo is tomorrow at JD Legends.

Mr. Faulkner thanked everyone for attending tonight; good luck to Mr. Dugan and welcomed Brent; asked about the fence at Kemper Tire (Ms. Fisher stated this is a requirement by the State to be able to sell cars & Planning Commission approved a conditional use); thanked staff for work on the TIF; and asked about video service (cable) competition, why AT&T isn't in the area yet.

Mr. Bray asked about an update on the turn lane on 2nd Street, front of Cazadores. Ms. Fisher stated a letter has been sent and we have been contacted – moving forward with.

Mayor Lipps asked about the new website; School events info, need to try and attend an event & the new Superintendent is becoming active in the community; Mayor Winkler will be wearing a wildcat jersey at a Carlisle Council meeting; attended Warren County Conventions Bureau meeting and they will be correcting the map to include Franklin; Congressman Chabot will be attending the Chamber Alliance Meeting; welcome to Doug & Debbie (Council candidates) and welcome to Mr. Ed Richter.

Mayor Lipps stated that an executive session is needed to discuss the purchase of property.

Mr. Faulkner made the motion to enter into executive session to discuss the purchase of property, with no action afterwards; seconded by Mr. Aldridge. The vote:

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|--------------|-----|
| Mr. Centers | yes |
| Mr. Wilcher | yes |
| Mr. Faulkner | yes |
| Mr. Lipps | yes |
| Mr. Bray | yes |
| Mr. Aldridge | yes |
| Mr. Hall | no |

Motion passed.

At 6:50 p.m., Mayor Lipps and members of Council entered into executive session to discuss the purchase of property, with no action afterwards.

Mayor Lipps & members of Council exited the executive session.

Mayor Lipps reconvened and adjourned the meeting.

Vice Mayor

Clerk of Council