

**FRANKLIN CITY COUNCIL
OCTOBER 18, 2010**

Members of the Franklin City Council met in regular session on Monday, October 18, 2010, 6:00 p.m. at the Franklin Municipal Building, Mayor Carl Bray presiding.

Roll call showed:

Scott Lipps	present
Jason Faulkner	present
Bob Knipper	present
Carl Bray	present
Denny Centers	present
Michael Aldridge	present
Todd Hall	present

There were ten visitors and no one from the press at tonight's meeting.

Also present: Mr. Jonathan Westendorf, Fire Chief; Ms. Sandra Morgan, Acting Finance Director; Mr. Russ Whitman, Police Chief; Mr. Bob Rockwood, Safety Director; Mr. Ross Coulton, Police Captain; Mr. Jim Lukas, City Manager and Mrs. Jane McGee, Clerk of Council.

The Pledge of Allegiance was led by Chief Russ Whitman.

Mr. Centers made the motion to approve the Clerk's Journal and accepting the tapes as the official minutes of the September 20, 2010 meeting; seconded by Mr. Aldridge. The vote:

Mr. Faulkner	yes
Mr. Knipper	abstain
Mr. Bray	abstain
Mr. Centers	yes
Mr. Aldridge	yes
Mr. Hall	yes
Mr. Lipps	yes

Motion passed.

Mayor Bray stated that on September 1, 2010, he was involved in a personal incident in Springboro that was probably blown out of proportion. It was between him and a Springboro Officer – they had a disagreement on how things were handled and Mayor Bray received a traffic ticket. He stated that if he had offended any Franklin residents by his actions, he apologizes. If anyone would like to know what happened, he stated they should contact him and he would be more than willing to talk about it.

RECEPTION OF VISITORS

Kenneth Scarce, 4120 Beal Road, stated he is here about that situation. He read into the minutes the Incident Report; Officer Dustin Christian and Officer Paegler narratives of the incident from the City of Springboro; and Mayor Bray's remarks made at the City of Springboro's September 2, 2010 Council meeting from the Springboro Council's minutes. Mr. Scarce also read the statement from the City of Springboro's Mayor's Court proceedings before Magistrate Jeff Kirby. Mr. Bray was fined plus court costs, paid the fine, and apologized to the Court, the City of Springboro and the Springboro Police Department. Mr. Scarce stated that it is his feeling it is not the Magistrate's position to render any apologies on Mayor Bray's behalf - Mayor Bray should have sent a letter to the Springboro Police Department and the Police Officer to apologize and also sent an apology to the media. Mayor Bray asked if he was about done. Mr. Scarce replied yes, as his time is about up - Mayor Bray said if he was done, he could step away and Mayor Bray thanked Mr. Scarce.

Jack Martin, 51 Hemlock Street, stated his son has been a Springboro Police Officer for about ten years and graduated from Franklin High School. Mr. Martin said it was his worry that if Mayor Bray has that attitude towards the Springboro Officers - what is his attitude towards Franklin Officers? Is Mayor Bray insisting he receive special privileges with them? Mayor Bray asked Mr. Martin if he thought Mayor Bray asked for special privileges. Mr. Martin stated yes. Mayor Bray asked Mr. Martin why he thought that. Mr. Martin replied because Mayor Bray had called the officer "a punk" and had stated he didn't think he should be cited.

Mayor Bray explained he drives on the sidewalk everyday when he goes to his mother's house in Springboro, but he will not do it anymore; now he knows it is illegal and he will not do it again. Discussion continued between Mayor Bray and Mr. Martin about driving around accident scenes in your car, crossing double lines, etc. Mayor Bray stated everyone has done one of these things at some time or another. Mr. Martin stated he has not. Mr. Lipps stated that Mr. Martin is not on trial here - he is here to speak to Council. Mayor Bray stated that he also, isn't on trial.

Mr. Martin asked if all of Council expects special privileges because everyone thinks that now. Discussion of the incident continued between Mayor Bray & Mr. Martin. Mr. Martin stated that Mayor Bray was wrong to drive on the sidewalk and to give the police officer the 'lip' - Mr. Martin said this reflects badly on the City of Franklin. Mayor Bray acknowledged he was wrong to drive his motorcycle around the accident. He will never drive on the sidewalk again and agreed that it reflects badly on the City.

LIQUOR LICENSE: NEW C1 & C2 - R&R TAKHAR OPERATIONS INC, 931 E. SECOND STREET

Mr. Rockwood stated that this property is located at the corner of Poplar & Second Streets and that there are no objections from the Police Department. There being no motion made to request a hearing, this will be returned to the Ohio Division of Liquor Control stating that the City does not request a hearing.

NEW BUSINESS

None tonight.

INTRODUCTION OF NEW LEGISLATION

None tonight.

CITY MANAGER'S REPORT

Mr. Lukas reported on the following:

- Introduced the new Chief of Police, Russ Whitman, who was appointed last Friday. Mr. Rockwood stated that he is proud of Chief Whitman and that both applicants have been through a difficult process, both worked very hard, and both did extremely well in the process (assessment center and management interviews).
- Reminded everyone about the levy on the November 2nd ballot – signs are available for those who want one.

LAW DIRECTOR'S REPORT

None tonight.

COUNCIL COMMENTS

Comments tonight include:

Mr. Hall thanked everyone for coming and congratulated Chief Whitman. Also, last Sunday afternoon, along Riley Boulevard, there was a lot of paper and it looked terrible (by Pacey's). Mr. Hall reminded everyone to please vote for the school and the income tax levy – both are needed. Mr. Hall stated that during his time on Council (11 years), the Councilmembers have never asked for any special treatment and do not expect it. Mr. Hall stated he does not condone what occurred, and he would have liked to have received a phone call about the incident from Mayor Bray. Mr. Hall stated he loves the community and will do just about anything for the City but does not expect special treatment. Lastly, Mr. Hall stated this is not an issue we wanted to happen, but it is time to move on.

Mr. Aldridge thanked everyone for coming and congratulated Chief Whitman. He then thanked Mr. Rockwood for his commitment to come back and help with the process. Mr. Aldridge said he had been informed by an individual from the Pee Wee football organization that Duke Energy is willing to provide lighting for the pee wee football and baseball fields at the park.

Mr. Centers thanked the two individuals who spoke tonight, and stated he agreed with Mr. Hall about the situation. Mr. Centers extended congratulations to Chief Whitman - it was well deserved - and also appreciation to Mr. Rockwood for his contributions. Mr. Centers inquired about the Service Department employee who was hired to concentrate on aesthetics of the City. Mr. Centers has seen him out with the regular crew doing other things, when the ramps still need

to be kept clean even with ongoing construction. Mr. Lukas responded that sometimes there are safety issues that prevent this. Lastly, Mr. Centers stated he had met a couple looking at the murals downtown and they commented on how much Franklin has changed – for the better - in the last ten to fifteen years.

Mr. Lipps thanked everyone for coming - said it was good to see Wilbur here tonight - and also thanked Shane Centers for his continuing volunteer efforts with the City. Mr. Lipps stated he has been a friend of Chief Whitman's for a long time and was excited about his appointment. Mr. Lipps thanked Mr. Rockwood for what all he has done for the community. Mr. Lipps also said it was nice to see Mayor of Carlisle in attendance - because of everything going on with JEMS, the two Cities need that kind of communication. Mr. Lipps also thanked Mr. Martin and Mr. Searce for speaking tonight – he knows that is not always easy to do. Mr. Lipps noted he had received a ticket when serving as Mayor - the officer knew he was the Mayor and he received no special privileges. Mr. Lipps stated he had voted for Mr. Bray for Mayor and considered him a friend. Mr. Lipps said Mr. Bray has worked hard, he's very passionate, and that may have boiled over in the situation. Mr. Lipps stated he was sure it could have been handled differently - he saw Mayor Bray twenty-four hours after it happened and Mayor Bray did not mention it or warn him something was coming. Once it broke, Mr. Lipps stated he had contacted Mayor Bray twice by email, and copied council, asking for assistance - asking Mayor Bray to explain to Council what had happened so Council would know how to take care of Franklin properly. Mr. Lipps stated he had received several calls and emails from citizens about the incident, but Mayor Bray had never communicated with him - he never received a call. Mr. Lipps said all he had received from Mayor Bray was an email saying, if he wanted to, Mr. Lipps could tell those people to contact Mayor Bray - Mr. Lipps thought that was very disrespectful. Mayor Bray asked him to finish what he said in the email.... "So that they know exactly what happened so as not to get second and third hand information," which is why Mayor Bray suggested Mr. Lipps have those folks contact the source. Mr. Lipps said Mayor Bray had put the Councilmembers in an uncomfortable situation, and he felt Mayor Bray should have communicated with Councilmembers better, but it was time to put the incident behind us as we have a school and city levy for our community coming up. Mr. Lipps stated we have the best City services of any city around us. Lastly, Mr. Lipps stated that Council will regroup, reorganize, work together and communicate – that is his commitment to the citizens, and he is sorry it happened.

Mr. Faulkner thanked everyone for coming and congratulated Chief Whitman. Mr. Faulkner said he thought we had two excellent candidates for the position, and recognized that Lt. Massey also did a fine job. Mr. Faulkner extended his thanks to Safety Director Rockwood and Captain Coulton for their leadership since Chief Ellis's departure. Mr. Faulkner said he would echo Mr. Lipp's comments regarding the Springboro situation; he was frustrated and felt there could have been better communication between Mayor Bray and Council. Mr. Faulkner said Council has to remember they are representing Franklin when we are out and about. Mr. Faulkner gave Council a JEMS update - after it was said by JEMS that an ambulance would be pulled out of service at night and the chase car during the day, JEMS received a tax payment that allowed it to restore the ambulance service thru the end of the year. However, the chase car is out of service, and a levy is possible early next year. Mr. Faulkner noted to remember the City's Fall Fest on October 23rd.

Mr. Knipper apologized for his casual dress tonight due to having football practice and a ball game tonight. Mr. Knipper congratulated Chief Whitman and thanked Mr. Rockwood for his efforts. Mr. Knipper stated that Huntington National Bank will be closed on Saturday for the City's Fall Fest. In regards to the upcoming levies, Mr. Knipper said we need good City services and good schools – both go hand-in-hand. Mr. Knipper said we need to vote for both the school levy and the City income tax levy. The City income tax levy is needed to restore services back to where they were. Mr. Knipper stated that after the Springboro incident, he talked with Mayor Bray about the situation and got the facts. Mr. Knipper said we have all done something that we wish we could have done differently; it is time to move on. Mr. Knipper stated this Council respects all police officers everywhere.

Mayor Bray congratulated Chief Whitman and stated that an awesome job was done by both Chief Whitman and Lt. Massey during the hiring process. Mayor Bray extended his thanks to Safety Director Rockwood and Captain Coulton for stepping up since Chief Ellis's retirement. Mayor Bray reminded everyone that the City's Fall Fest on Saturday, October 23rd, 11 a.m. to 9 p.m.. Lastly, Mayor Bray spoke in favor of the City's upcoming income tax levy, and noted that the City's income tax subsidizes the Court and dispatch services, where other cities have additional levies to support these services. Mayor Bray stated that if the levy passes, this Council will still continue to watch our spending.

EXECUTIVE SESSION

None tonight.

ADJOURNMENT

Mr. Centers made the motion to adjourn; seconded by Mr. Faulkner. The vote:

Mr. Knipper yes
Mr. Bray yes
Mr. Centers yes
Mr. Aldridge yes
Mr. Hall yes
Mr. Lipps yes
Mr. Faulkner yes

Motion passed.

Mayor Bray adjourned the meeting at 6:50 p.m.

Mayor

Acting Clerk of Council