

**FRANKLIN CITY COUNCIL
DECEMBER 20, 2010**

Members of the Franklin City Council met in regular session on Monday, December 20, 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 was one member of the press and 18 visitors at tonight's meeting. Also present; Mr. Jonathan Westendorf, Fire Chief; Mr. Russ Whitman, Police Chief; Ms. Sandra Morgan, Acting Finance Director; Mr. Sonny Lewis, Public Works Director; Ms. Donnette Fisher, Law Director; Mr. Jim Lukas, City Manager and Mrs. Jane McGee, Clerk of Council.

The Pledge of Allegiance was led by Mr. Jonathan Westendorf.

Mr. Centers made the motion to approve the Clerk's Journal and accept the tapes as the Official Minutes of the December 6, 2010 meeting; seconded by Mr. Faulkner. The vote:

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

Motion passed.

PRESENTATION: FRANKLIN POLICE DIVISION AWARDS

Chief Whitman presented the following awards:

A Letter of Recognition (written by Safety Director Bob Rockwood) for Gary Hall for his exceptional efforts and care in assisting the Police Department process the scene of the house fire on Deardoff Road on June 2, 2010.

A Letter of Recognition for Dispatcher Lindsey Burrows for her professionalism, team work and the dedication she displayed in handling an emergency 911 call on November 8, 2010, where a

reported fire on Park Avenue occurred in the residence of an elderly patient that was bedridden. Her actions helped save the life of 92-year old Margaret Cope.

From the same event, Chief Whitman presented Police Sergeant Pacifico, Fire Captain Stu Dixon (both of whom were present tonight), Sergeant Wolfe, Police Officer Jesse Shannon, and Police Officer Dennis Shannon with the department's Meritorious Service Award.

Mr. Faulkner stated his thanks to the men and women of the Franklin Safety Department; he stated, "For all you do – you don't get recognized enough."

RECEPTION OF VISITORS

None tonight.

ORDINANCE 2010-24

PUBLIC HEARING

AMENDING THE PROVISIONS OF THE INCOME TAX ORDINANCE TO PROVIDE FOR AN INCREASE IN THE INCOME TAX OF ONE-HALF OF ONE PERCENT (0.5%) FROM AND AFTER JULY 1, 2011, FOR THE PURPOSE OF PROVIDING REVENUES FOR EXPENDITURES ON GENERAL MUNICIPAL OPERATIONS AND SERVICES, CAPITAL IMPROVEMENTS AND OTHER OPERATING AND CAPITAL EXPENSES, BY AMENDING SECTION 751.03(a) OF THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, SUBJECT TO THE APPROVAL OF THE ELECTORS OF THE CITY OF FRANKLIN

Mr. Lukas stated that this was introduced at the last Council meeting. Passage of this ordinance is the first step to place the income tax levy on the May ballot.

Mayor Bray asked if we know what the ballot language will be.

Ms. Fisher stated the first step is this Ordinance which becomes effective January 19th; the next step will be the Resolution directing the Warren County Board of Elections to place it on the ballot and that Resolution will contain the ballot language. The Resolution will be on the February 7, 2011 Council agenda.

Mayor Bray opened the Public Hearing and asked for any public comments. There being none, he closed the Public Hearing and asked for any Council comments. There were none.

Mr. Faulkner made the motion to adopt Ordinance 2010-24; seconded by Mr. Hall. 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.

ORDINANCE 2010-25

EMERGENCY

AMENDING ORDINANCE 2010-20, PROVIDING FOR APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF FRANKLIN, OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2010 AND DECLARING AN EMERGENCY

Ms. Morgan stated that this is the final supplemental of the year; this ordinance adjust accounts for year-end closing. There is a decrease of appropriations for the general fund over \$900,000.00. This is the lowest appropriation since 2002.

Mr. Hall made the motion to adopt Ordinance 2010-25; seconded by Mr. Aldridge. The vote:

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

Motion passed.

ORDINANCE 2010-26

EMERGENCY

TO PROVIDE TEMPORARY APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF FRANKLIN, OHIO, THROUGH MARCH 31, 2011, AND DECLARING AN EMERGENCY

Ms. Morgan stated that this ordinance provides appropriations for three months, to allow the City to begin operations January 1, 2011. The final appropriation ordinance will be presented by March 31, 2011. This appropriation ordinance includes the changes recommended by the Finance Committee including: an across-the-board employee wage freeze; no funding for any new police cruisers; no funding for special events; no funding for seasonal part-time employees; the elimination of one part-time firefighter position; and no funding for the pool. Ms. Morgan also noted the only difference in the 2011 temporary appropriations and the final supplemental (just passed) is the transfer of the monies to the Fire Fund.

Mr. Hall made the motion to adopt Ordinance 2010-26; seconded by Mr. Faulkner. The vote:

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

Motion passed.

RESOLUTION 2010-45 AUTHORIZING POSITION TITLES AND THE NUMBER OF POSITIONS FOR EACH TITLE FOR CITY OF FRANKLIN PERSONNEL FOR 2011

Mr. Lukas stated that this Resolution lists the authorized positions for 2011. He noted that the Safety Director has been removed; the Court currently shows 2 part-time clerks (an increase in part-time rather than full-time) and the pool employees have been removed.

Mr. Centers made the motion to adopt Resolution 2010-45; seconded by Mr. Knipper. The vote:

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

Motion passed.

CITY MANAGER'S REPORT

Mr. Lukas wished everyone a good holiday.

LAW DIRECTOR'S REPORT

Ms. Fisher reported on the following:

- Explained why there is no salary resolution on tonight's agenda. While all employees have verbally agreed to the wage freeze, Ms. Fisher stated we must have signed MOU's with the unions before Council can legally enact the freeze. We have only received written agreements from the Fire & Police unions; the Teamsters (Clerical Unit and Service Department) have not submitted anything in writing yet. The salary resolution can be pushed to the January 3rd agenda to give the unions time to get a signed MOU.

Mayor Bray asked if there has been any contact with the Teamsters. Ms. Fisher stated the Service Department Steward said he was going to get hold of the Teamsters today and, if he couldn't, he was going to drive to Cincinnati to get someone to sign it. Mayor Bray asked who he is trying to get hold of. Ms. Fisher stated she thinks he is trying to get hold of the outgoing President – it was her understanding that the outgoing President is the only person who will be staying involved with the Local 100 – everyone else was voted out. It was also noted that the Clerical Unit and Service Department unions have the same business representative. Mayor Bray stated he has heard that all the business agents are taking vacation and not returning phone calls. Ms. Fisher noted that the City has been trying to get hold of their attorney with no success and that the unions have known about this since Thanksgiving. There is only so much the City can do – it is up to the stewards to get this dealt with.

- Wished everyone Merry Christmas.

COUNCIL COMMENTS

Comments tonight include:

Mr. Hall wished everyone a Merry Christmas. He also noted that Council is not happy because of the cuts it just had to make, but he hopes we will see better days in 2011.

Mr. Aldridge thanked everyone for coming and wished everyone a Merry Christmas.

Mr. Centers stated that he had received a couple of complaints from citizens about snow removal, saying we are punishing them. Mr. Centers pointed out it is not punishment, it is simply a way we are cutting back on money. Mr. Centers wished everyone a Happy Holidays.

Mr. Lipps stated that he also received couple of calls about this issue. When we ran the levy we made the decision not to threaten the citizens and chose the educational path; this method failed. Mr. Lipps said we are not punishing or threatening residents - Council is sorry for the situation, and reminded everyone that this decision affects all of Council as well. Mr. Lipps also wished everyone a Merry Christmas and Happy Holidays, and commended that it was nice to see the awards that were made tonight.

Mr. Faulkner wished everyone a Merry Christmas and thanked them for coming. Mr. Faulkner then questioned Mr. Lukas on some emails about the property on David Boulevard - is there a zoning problem or not? Mr. Lukas stated Ms. Fisher visited the property today, and yes, there is an issue. Mr. Lukas said Mr. Woods has visited the property throughout the weeks and hasn't seen what Ms. Fisher saw today. Mr. Lukas said he will be addressing this issue with Mr. Woods when he returns from vacation. Mr. Faulkner asked that Council be updated at the next meeting (will be February 7th meeting as Mr. Woods is on vacation). Mr. Faulkner then shared with Council that the JEMS Board and organization had been involved in a law suit with the previous JEMS Chief. Mr. Faulkner said the JEMS Board expects the suit to be concluded soon.

Mr. Knipper asked if we have an ordinance on a "box truck" permanently parking on property, in reference to the property on David Blvd. Ms. Fisher stated she visited the property today and saw 3 trucks parked there. It also appears that no one is living there, so from what she saw she does believe we have issues there. Captain Coulton noted that they have been cited for parking (box truck) on the street. Mr. Knipper also brought up the parking issue on Arlington Avenue and Thomas. Mr. Lukas responded we have looked at 'no parking' but then they will park in the grass. Mr. Knipper stated he thought the roads are in reasonably good shape, even with the cut back on plowing. Mr. Knipper did note that some roads haven't been touched yet, and asked if there is any timeline on when they will be done. Mr. Lewis explained he made the decision, with it being so cold, not to plow roads if they were snow covered to try and prevent them from becoming too slick. Mr. Lewis said he has been checking streets and if they are icy, they have been taken care of; he said they are trying to save on salt and plowing overtime in an effort to save money and cut costs, main thoroughfares have been cleared and safe to travel on. Mr. Lipps said this is an unusual situation in that we have always been praised for our snow plowing. Mr. Centers added if safety is an issue, have to salt.

A member of the audience asked about the request of money from Franklin Township. Mayor Bray stated he talked with the President of the Franklin Township Trustees and she said they would not give us any money and expect us to do our share of funding the pool.

This same person asked the status of the pool. Mayor Bray stated we said we couldn't fund our share of the pool costs, the pool can still open but it will have to rely solely on Township funding. Mr. Hall added we hope the levy passes and we don't have to worry about this.

Discussion continued on the Township Trustees saying "No" to the City's request of \$100,000. Mr. Hall stated we need to sit down with these people and talk and explain what we need the money for – need to partner with them. Also, if we go after the money, the school will take it all. Mr. Faulkner stated he would rather see the school have the money. Discussion continued on the Township's carryover balance and proposed fire truck purchase.

The same member of the audience asked if anyone is thinking of a merger again. Mayor Bray stated none that he knew of. Other comments include – don't think it will work – failed in the Township in the past – Township would need to initiate.

EXECUTIVE SESSION

Mr. Faulkner made the motion to enter into executive session to discuss the employment of a public employee or official with no action afterwards; seconded by Mr. Hall. The vote:

Mr. Hall	yes
Mr. Lipps	no
Mr. Faulkner	yes
Mr. Knipper	yes
Mr. Bray	yes
Mr. Centers	yes
Mr. Aldridge	yes

Motion passed.

At 6:44 p.m. Mayor Bray and members of Council entered into executive session to discuss the employment of a public employee or public official. He later reconvened and adjourned the meeting.

Mayor

Acting Clerk of Council