

FRANKLIN CITY COUNCIL
APRIL 5, 2010

Members of the Franklin City Council met in regular session on Monday, April 5, 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	absent
Mike Aldridge	absent
Todd Hall	present

There were 12 visitors and no one from the press at tonight's meeting. Also present: Ms. Donnette Fisher, Law Director; Mr. Sonny Lewis, Public Works Director; Mr. Gordon Ellis, Police chief; Mr. Jonathan Westendorf, Fire Chief; Mr. Ross Coulton, Police Captain; Mr. Jim Lukas, City Manager and Mrs. Jane McGee, Clerk of Council.

The Pledge of Allegiance was led by Mayor Tim Humphries of Carlisle.

Mr. Hall made the motion to approve the Clerk's Journal and accepting the tapes as the official minutes of the March 15, 2010 meeting, with noted correction; seconded by Mr. Knipper. The vote:

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

Motion passed.

RECEPTION OF VISITORS

None tonight.

PUBLIC HEARING ORDINANCE 2010-07 AMENDING SECTIONS 751.11, 751.12 AND 751.99, AND ENACTING SECTION 751.110 OF THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO

Ms. Fisher stated that the Income Tax Department is having problems collecting unpaid income taxes through the Municipal Court – currently \$320,000. We hope these changes will help in the collection of these delinquent accounts.

Amendments being proposed:

751.11 Refunds of Unpaid Taxes – option of how to collect the unpaid taxes by either criminal or civil action & allow use of collection agency

751.110 Refunds of Overpayments – new section which sets the legal time limit for claims for refunds & establishes an administrative fee for claims filed by persons who repeatedly & erroneously pay taxes to the City

711.12 Violations – changes are procedural and for clarification

711.99 Penalties – establishes minimum fines & jail terms for delinquent taxpayers as follows:

Upon a failure to file or the filing of a false return, the required penalties are: 1st offense - \$100 fine + up to 30 days in jail (no required jail term); 2nd offense - \$250 fine + up to 60 days in jail (no required jail term); 3rd offense - \$500 fine + mandatory jail term of 3 days.

Upon a failure to pay, failure to withhold or any attempt to avoid payment of taxes due, the required penalties are: 1st offense - \$250 fine + mandatory jail term of 3 days; 2nd offense - \$375 fine + mandatory jail term of 10 days; 3rd offense - \$500 fine and mandatory jail term of 30 days.

In all cases, the Court shall have the option of suspending the execution of the jail terms if the Court places the offender on probation and requires the offender to pay the delinquent taxes while on probation

Mayor Bray opened the public hearing and asked for any public comments.

Mr. Knipper asked if probation was an option instead of the mandatory jail time. Ms. Fisher stated that the Court can do probation requiring the delinquent taxes be paid while on probation in place of the mandatory jail time. Ms Fisher added there is no jail time currently. Mr. Knipper also asked how long they have to pay back the owed taxes. Ms. Fisher stated they have to be paid back in one year.

Mayor Bray closed the public hearing and asked for any Council comments.

Mr. Faulkner made the motion to adopt Ordinance 2010-7; seconded by Mr. Hall. The vote:

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

Motion passed.

PUBLIC HEARING ORDINANCE 2010-08 ACCEPTING THE DEDICATED
STREETS IN SYCAMORE GLENN SUBDIVISION (PLAT PREVIOUSLY ACCEPTED)

Ms. Fisher stated under Ohio Law, the City has to accept public streets, either by ordinance or by the City Engineer's endorsement on the plat. The public improvements have been finished and this ordinance accepts the streets – Oleander Drive, Long Meadow Drive & Ascot Glen Drive. The City Engineer has inspected the streets and recommends acceptance.

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

Mr. Hall made the motion to adopt Ordinance 2010-08; seconded by Mr. Knipper. The vote:

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

Motion passed.

PUBLIC HEARING ORDINANCE 2010-09 AMENDING THE OFFICIAL ZONING
MAP OF THE CITY OF FRANKLIN, OHIO

Ms. Fisher stated that this is the final step in updating our zoning. Once the text was done, the Zoning Review Committee reviewed and updated the zoning map. The Planning Commission began reviewing the zoning map last August and held 9 public hearings on the proposed changes giving all affected property owners an opportunity to comment. Copies of all hearing notices have been supplied to Council. The Planning Commission voted unanimously to recommend adoption of the amended zoning map.

Ms. Fisher then briefly outlined the changes;

- Central Residential District; R-4 District; R-2 District for older suburbs; R-1B District, no PUDS
- Commercial Districts - C-1 General Commercial; C-2 Community Commercial; C-3 Central Commercial District
- Office Districts - Office Institutional; Office Research District; Office Service District
- Light Industrial District; General Industrial District
- Agricultural District
- Park & Recreational District

Mr. Faulkner asked how many new districts have been created. Ms. Fisher stated a new Community Commercial District; Residential went from 9 to 5 districts; Office Districts went from 2 to 3 districts; Park & Recreation District is new.

Mayor Bray stated we received great input on this – tried to be realistic and that most of the business people are happy with this.

Ms. Fisher noted the Planning Commission has put a lot of time into this since August.

Mayor Bray opened the public hearing and asked for any public comments.

David B. Hurst, 9460 Dixie Highway, stated he owns land south of Pennyroyal Road – 1.2 acre strip of land along N. Dixie Highway being zoned residential– he would like for it to be contiguous with the property next to it and be zoned industrial, not residential.

Ms. Fisher stated that Planning Commission did talk about this and that Planning Commission didn't want the business next to it expanding into that area; the land is long and not wide; they wanted to wait and see what the use would be and then consider any rezoning; they didn't change the zoning.

Mr. Hurst added that originally it was zoned Industrial; when annexed into the City the zoning was changed and he wanted it back to Industrial zoning.

Mayor Bray agreed with Ms. Fisher's comments - there isn't much that you can do with the land; wanted to wait and see; trying to protect the City; and when you know what your plans are then can change zoning if need to.

Ms. Fisher added the current zoning is Residential – don't know what happened when the land was annexed.

Mayor Bray stated we need to know what your plans are – then the zoning can be changed.

Mr. Hurst stated land north is zoned industrial – be more consistent if his property was zoned industrial than residential.

Mayor Bray stated the City wants a say as to what goes in there – not much can be done with that land.

Ms. Fisher stated by not changing the zoning right now doesn't mean he can't ask for a rezoning of the land. She noted that the land across the street is zoned industrial as is the property next to his.

Mr. Hurst again stated that it is better for his land to be contiguous with the industrial zoning.

Chris Evans asked if the land on Riley Boulevard is zoned commercial – yes it is. He also stated that when they were annexed into the City they were told there would be no zoning change – just found out the zoning was changed.

There was some discussion on the zoning of this property & why the zoning was changed to residential by past Council.

Mayor Bray closed the public hearing and asked for any Council comments.

Mr. Knipper asked Mr. Hurst & Mr. Evans if they had any concerns with this zoning. Mr. Evans stated he was fine with their zoning but agreed with Mr. Hurst about rezoning his property to industrial.

Consensus of Council agreed to change the zoning the Hurst property.

Discussion followed on how to proceed. Ms. Fisher stated the only neighboring land owners are the City and MCD – City is only affected landowner.

Mr. Lukas stated if we can right a wrong from the past, why not change it.

Mr. Lipps made the motion to adopt Ordinance 2010-09 with the change of 9460 N. Dixie Highway to light industrial from residential; seconded by Mr. Knipper. The vote:

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

Motion passed.

Ms. Fisher stated the Zoning Review Committee and the Planning Commission has been working on this process since 2007 and thanked them for all their time and effort on this.

RESOLUTION 2010-11 AMENDING RESOLUTION 2009-62 AUTHORIZING POSITION TITLES AND THE NUMBER OF POSITIONS FOR EACH TITLE FOR CITY PERSONNEL FOR 2010

Mr. Lukas stated that the next three Resolutions are related. Chief Ellis is retiring May 3, 2010. We have identified several internal officers that will make good candidates for the Chief position. As a result, we are not filling the Chief's position and recommending filling the Safety Director position with Mr. Bob Rockwood. Mr. Rockwood, along with Captain Coulton will mentor those individuals. Mr. Lukas noted that Mr. Coulton can work till June 2010 and then his position will also be open.

Mr. Faulkner asked if Mr. Rockwood is happy with the job description – that he is also over the Fire Department. Mr. Lukas stated yes – he will be over the Police, Fire & Building Departments.

Mr. Faulkner made the motion to adopt Resolution 2010-11; seconded by Mr. Hall. The vote:

Mr. Aldridge	absent
Mr. Hall	yes
Mr. Lipps	yes

Mr. Faulkner yes
Mr. Knipper yes
Mr. Bray yes
Mr. Centers absent

Motion passed.

RESOLUTION 2010-12 APPROVING THE CITY MANAGER'S APPOINTMENT OF ROBERT ROCKWOOD TO THE POSITION OF DIRECTOR OF SAFETY

Mr. Lukas stated, per the Charter, Council has to approve the appointment.

Mr. Rockwood addressed Council & stated that he has been enjoying his retirement. He has worked as it was 3 years before his received his retirement; lives in Phoenix now and had planned on spending his summer here; after talking with Mr. Lukas, enthused to help; spent time with Chief Ellis this week and he has brought me up to speed on the department. Chief Ellis has done a fine job as Chief. Also noted that he is proud of the officers and Council for recognizing the need to mentor the officers.

Mr. Hall made the motion to adopt Resolution 2010-12; seconded by Mr. Faulkner. The vote:

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

Motion passed.

RESOLUTION 2010-13 AMENDING RESOLUTION 2009-63 ESTABLISHING ORGANIZATIONAL LISTINGS AND PAY RATES FOR THE CITY OF FRANKLIN OFFICIALS AND EMPLOYEES FOR 2010

Mr. Lukas stated that this establishes the salary for Mr. Rockwood. This is also the last meeting for Chief Ellis.

Chief Ellis stated that he is pleased to have Mr. Rockwood; will be moving to eastern Ohio; have never worked for a finer department; have fine officers, should be proud of, they were sound when I can here and are sound as I leave; been a pleasure to serve for you; appreciate what the community has done for me and my family; this is a great place to work and has been an honor to work with everyone.

Mr. Lukas stated a party will be held April 28 – details coming.

Mr. Faulkner asked about the part-time Safety Secretary position. Mr. Lukas stated that position was the secretary at the Fire Department.

Mr. Faulkner made the motion to adopt Resolution 2010-13; seconded by Mr. Knipper. The vote:

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

Motion passed.

RESOLUTION 2010-14 AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR THE PURCHASE OF WATER METER RADIO REMOTES FROM NEPTUNE EQUIPMENT COMPANY

Mr. Lewis stated this continues the process of installing water read remotes on our water meters. This provides better service for our residents; goal to have remotes on all water meters; program going well and we will install these this year.

Mr. Hall made the motion to adopt Resolution 2010-14; seconded by Mr. Faulkner. The vote:

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

Motion passed.

RESOLUTION 2010-15 AUTHORIZING REIMBURSEMENT OF UP TO \$750 TO DAVID J. KLOSTERMAN, DC, FOR THE FRANKLIN EASTER EGG HUNT

Mr. Lukas stated that Dr. Klosterman does a great job with this event. It was held March 27th and hundreds of kids attended. This reimburses him for his expenses but doesn't cover all of the time involved.

Mayor Bray stated that it was a big event – good day.

Mr. Faulkner stated we appreciate him doing this.

Mr. Lipps made the motion to adopt Resolution 2010-15; seconded by Mr. Faulkner. The vote:

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

Mr. Faulkner yes
Motion passed.

INTRODUCTION OF NEW LEGISLATION

Mayor Bray introduced the following legislation:

Ordinance 2010-10 Amending Chapter 911 of the Codified Ordinances of the City of Franklin, Ohio, Titled “Water Service”.

Ordinance 2010-11 Amending Section 915.04 of the Codified Ordinances of the City of Franklin, Ohio, Titled “Permit Required; Tap-in-Fees”.

CITY MANAGER’S REPORT

Mr. Lukas reported on the following:

- Joint meeting with Franklin Township – scheduled for April 14, 2010 at 6 p.m., please let me know if you are available

Mayor Bray stated we need to be thinking about what we want to discuss.

LAW DIRECTOR’S REPORT

Ms. Fisher reported on the following:

- Updates to the UDO (replacement pages) on the podium
- Won’t be at the next (May 3, 2010) meeting

COUNCIL COMMENTS

Comments tonight include: thanks to Chief Ellis, good team, will be missed; welcome back to Mr. Rockwood; thanks for attending; good to see on-going arrests; thanks to Zoning Board for their work; go “bulldogs”; and Mayor Bray thanked Chief Ellis for his service, great job; welcome back to Mr. Rockwood; Holiday Inn update (Mr. Lukas stated HIE & Kingdom Sports has met, some signs have been put back up at the interstate); new requirements on mowing (residential & business), businesses need contacted; Council needs to let Mr. Lukas know if you able to attend the Franklin Township meeting; and just to let you know, that the apartment complex and strip mall across from Hampton Bennett (S.R. 123), is being cleaned up and they want to put in a restaurant/pub. Thanks for attending tonight.

EXECUTIVE SESSION

None tonight.

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

Mr. Bray yes
Mr. Centers absent

Mr. Aldridge absent

Mr. Hall yes

Mr. Lipps yes

Mr. Faulkner yes

Mr. Knipper yes

Motion passed.

Mayor Bray adjourned the meeting at 7:22 p.m.

Mayor

Clerk of Council