

**FRANKLIN CITY COUNCIL  
SEPTEMBER 20, 2010**

Members of the Franklin City Council met in regular session on Monday, September 20, 2010, 6:00 p.m. at the Franklin Municipal Building, Vice Mayor Faulkner presiding.

Roll call showed:

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

There were 2 members of the press and 21 visitors present at tonight's meeting. Also present: Mr. Sonny Lewis, Public Works Director; Mr. Don Woods, Chief Building Official; Mr. Jonathan Westendorf, Fire Chief; Ms. Sandra Morgan, Finance Director; Ms. Donnette Fisher, Law Director; Mr. Bob Rockwood, Safety Director; Mr. Jim Lukas, City Manager and Mrs. Jane McGee, Clerk of Council.

The Pledge of Allegiance was led by Mr. Shane Centers.

Mr. Hall made the motion to approve the Clerk's Journal and accepting the tapes as the official minutes of the August 16, 2010 meeting; seconded by Mr. Aldridge. The vote:

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

Motion passed.

Vice Mayor Faulkner noted that Mayor Bray is at the hospital with his mother who fell earlier today.

#### RECEPTION OF VISITORS

None tonight.

#### PUBLIC HEARING    ORDINANCE 2010-21    ENACTING SECTION 1337.04(G) OF THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO, TITLED "EXEMPTIONS"

Ms. Fisher stated that there has been much discussion on this. The Property Maintenance Code was enacted last year. We've always had high grass regulations and with the adoption of the

new code, NIC now enforces the high grass regulations. We have 4 properties that we are aware of that grow high grass for hay. The Scarce property is grandfathered as it was allowed by the 1983 code. If the other 3 properties – Henderson, DCS, & Townsend - want to grow high grass for hay, they will have to apply to be exempt from the regulations.

This applies to pre-existing uses – if they were growing hay before 2009, they can apply for an exemption; will have to have a 15’ buffer; and there is also a governmental exemption.

This was presented to Council at your August 2<sup>nd</sup> meeting for discussion and introduced at the August 16<sup>th</sup> meeting.

Mr. Aldridge asked if this buffer applied to the exemption. Ms. Fisher stated, yes, and that one property is not located along the roadway.

Vice Mayor Faulkner 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. Hall made the motion to adopt Ordinance 2010-21; seconded by Mr. Centers. The vote:

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

Motion passed.

RESOLUTION 2010-40 DESIGNATING SATURDAY, OCTOBER 30, 2010, BETWEEN THE HOURS OF 5:00 P.M. AND 7:00 P.M. AS BEGGARS’ NIGHT IN THE CITY OF FRANKLIN

Mrs. McGee stated that this follows the recommendation of the Dayton Mayors & Managers Association. This coincides with Franklin Township and Carlisle. Most of the surrounding cities are also designating October 30, 2010 with times varying.

Mr. Hall made the motion to adopt Resolution 2010-40; seconded by Mr. Aldridge. The vote:

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

Motion passed.

RESOLUTION 2010-41 ACCEPTING THE AMOUNTS & RATES AS DETERMINED BY THE WARREN COUNTY BUDGET COMMISSION & AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

Ms. Morgan stated that this is the final step in the tax budget process. The rates have not changed but the amounts received are less. This is based on the tax budget adopted in July.

Vice Mayor Faulkner noted that JEMS has seen a decrease in property tax revenues they receive.

Mr. Centers made the motion to adopt Resolution 2010-41; seconded by Mr. Hall. The vote:

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

Motion passed.

RESOLUTION 2010-42 APPOINTING MARY DUNN TO THE SPECIAL EVENTS COMMITTEE

Mr. Lukas stated that Mary lives at 711 Victoria Drive. She has been attending meetings, active in helping with past events and doing a wonderful job.

Vice Mayor Faulkner asked how many members are on the committee.

Mrs. McGee stated she thinks 5 – 6 members.

Mr. Lipps stated as everyone knows he has a problem with Special Events – but wished her well.

Mr. Aldridge made the motion to adopt Resolution 2010-42; seconded by Mr. Hall. The vote:

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

Motion passed.

RESOLUTION 2010-43 AMENDING RESOLUTION 2010-11 AUTHORIZING POSITION TITLES & THE NUMBER OF POSITIONS FOR EACH TITLE FOR CITY PERSONNEL FOR 2010

Mr. Lewis stated that there are currently 13 utility person positions authorized with 7 in the water department. We have a current list with very good applicants. We have an employee who will

retire November 30<sup>th</sup> and would like to hire someone to train with him before he retires. When he retires, we will return the positions authorized back to the current authorization.

Mr. Lipps asked if there is a current list. Mr. Lewis stated yes and it is a good list – lots of applicants.

Mr. Aldridge added this is a good idea.

Mr. Centers agreed it is a good idea but that this appointment should be made contingent upon the employee retiring – the new person needs to be made aware of this.

Mr. Lewis stated that he would be made aware of this issue. Ms. Fisher added that Mr. Lukas can put that in the directive when he is hired.

Mr. Lipps made the motion to adopt Resolution 2010-43; seconded by Mr. Centers. The vote:

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

Motion passed.

Vice Mayor Faulkner added Resolution 2010-44 to the agenda.

#### RESOLUTION 2010-44 RESOLUTION TO CUT AND DESTROY NOXIOUS WEEDS IN ACCORDANCE WITH STATE LAW

Mr. Lukas stated there are noxious weeds on a property on Beal Road. We have received a complaint about the weeds growing on the property (showed pictures to Council). Per State law we are required to bring this resolution to you to approve to notify the property owner to cut the weeds within 5 days. Queen Anne's lace is the noxious weed that has been identified.

Vice Mayor Faulkner asked if other States have this law. Ms. Fisher stated this has been a State law since 1953 & this law doesn't apply to State land. Queen Anne's lace grows along the highway and in other areas.

Mr. Aldridge asked what weed is growing & the side effects - Wild Carrot also known as Queen Anne's lace. Mr. Lukas added that the OSU Extension office confirmed the noxious weed last month and don't know what the side effects are.

Mr. Lipps questioned if we have this issue with other City properties or is this a neighborhood dispute. Mr. Lukas stated this is a neighborhood dispute – don't know about other City properties. Ms. Fisher stated that State law requires you to do this.

Mr. Centers stated he knows that Queen Anne's lace grows everywhere; need to be prudent on moving ahead with this.

Ms. Fisher stated that State law says if this (noxious weed) is grown per a permit issued by the City – it is exempt from State law.

Mr. Hall asked if the 4 properties that grow hay are still subject to the noxious weeds law. Ms. Fisher stated that is correct unless they apply for a permit.

Mr. Hall then made a motion to adopt Resolution 2010-44.

Mr. Aldridge asked what are we voting on. Ms. Fisher stated that State law says “upon written notification that noxious weeds are growing.... you shall serve a written notice to the property owner.... to cut the noxious weeds”. We have received written notice that the weeds are growing. State law says you shall cause notice to be served upon the property owner to cut & destroy the noxious weeds. Mr. Centers asked about applying for the permit. Ms. Fisher stated he can apply for a permit after October 20, 2010 – when Ordinance 2010-21 (just passed) becomes effective.

Mr. Lipps asked what happens if this resolution does not pass. Ms. Fisher stated the compliant can bring mandamus action in Warren County Common Pleas Court ordering you to pass the resolution – by that point the property could already be cut.

Mr. Lukas stated he asked the OSU Extension office how often cities get involved. They said it is usually a neighborhood dispute.

Mr. Doug Greathouse, 41 W. Sixth Street, stated that NIC has been using “noxious weeds, violation under State law” in their form letters.

Vice Mayor Faulkner stated a motion to approve Resolution 2010-44 has been made by Mr. Hall; there being no second, the motion dies.

#### CITY MANAGER’S REPORT

Mr. Lukas stated the Warren County Health Department is closing their facility at the Conover Health Center. Mr. Duane Stansbury, Health Commissioner, Mr. Adam McClanahan, City’s representative, and Dr. Swope, Medical Director, are present tonight.

Mr. Stansbury stated that they have been looking at their budget and ways to better spend the taxpayers’ money. He noted the following: been notified we will have to pay rent for the Lebanon facility; done a survey of patients at Franklin office – said they would go to the Lebanon office & some voiced concern of the closing; next board meeting is tomorrow night at 6 p.m. to discuss this issue & Council is invited; Conover lease is up next month, have to make a decision; looking for partner in City to provide services; Franklin office is the only remote location in Warren County; medical services in Warren County have been expanding; and closing the office will help us operate more efficiently.

Mr. Hall asked how many visits does the Franklin facility have. Mr. Stansbury stated 1500-1800 between visits and the WIC program. Mr. Hall asked how long have they known about closing the Franklin facility. Mr. McClanahan stated the last couple of months. Mr. Hall asked if they want to stay in Franklin. Mr. Stansbury stated that he would like to be able to work it out to stay.

Mr. Hall stated he understands that there was an option that wasn't looked at in the City – need to sit down and talk with the City Manager – if committed to stay, we'll do everything to keep you here. The immunization program for the children needs to stay in Franklin.

Mr. Hall added that maybe they need to look at moving their (main) office to Franklin. Mr. Stansbury stated they have looked at that concept at the Conover Center.

Mr. Lipps thanked them for coming and inviting us to the meeting tomorrow night; understand budgetary concerns; we want to partner with you, need to stay here; if make financial decision to leave, like to see you examine it again in 6 months.

Mr. Stansbury stated that is their intent.

Vice Mayor Faulkner asked how much it costs to maintain the Franklin facility. Mr. Stansbury stated approximately \$45,000 a year. The Health Department total budget is \$4.5 million.

Vice Mayor Faulkner stated that he can't attend the meeting tomorrow night as he has a JEMS meeting and asked if any other Council members can attend. Mr. Lukas will be attending. He thanked them for coming tonight.

Mr. Lukas thanked City staff and the community for the Tony Wallace Memorial last week.

Mr. Ken Scarce, 4120 Beal Road, asked if they are okay since the property is grandfathered. Ms. Fisher stated that the property is grandfathered to grow hay; not grandfathered for noxious weeds. They will need to apply for a permit after 30 days.

#### LAW DIRECTOR'S REPORT

None tonight.

#### COUNCIL COMMENTS

Comments tonight include: thanks for coming; if you want information on why the income tax levy is needed, please see me (Mr. Hall) after the meeting; the Memorial Service for Tony Wallace very impressive; also proud of City & citizens for paying respect to Sgt. Robinson's funeral procession; thoughts & prayers to both families; call from resident about JEMS – didn't respond to initial call, took 46 minutes to respond; Bike Show is October 2<sup>nd</sup>; and Vice Mayor Faulkner stated that St. Mary's parish leaving Franklin is a loss to the City & need to let them know that; and stated that he suspects a few of you may be here due to the recent news story concerning a member of Council in another community. He was hoping to discuss that matter with that individual tonight and will keep this brief as he isn't here tonight. Will say, short of his comments, if indeed what transpired is what was written in the newspapers – I am very frustrated that this occurred – that Mr. Bray's personal life got entangled with his public position – and on behalf of the City, I will make the apology because Council does have ownership as to who we appoint as Mayor. I will make an apology that this has occurred and if anyone has been offended I'm sorry. And we will give Mr. Bray his opportunity at the next session in a couple of weeks.

EXECUTIVE SESSION

None tonight.

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

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

Motion passed.

Vice Mayor Faulkner adjourned the meeting at 6:55 p.m.

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Mayor

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Clerk of Council