

**FRANKLIN CITY COUNCIL
NOVEMBER 7, 2011**

Members of the Franklin City Council met in regular session on Monday, November 7, 2011, 6:00 p.m. at the Franklin Municipal Building, Mayor Denny Centers presiding.

Roll call showed:

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

There was one member of the press and 12 visitors present at tonight's meeting. Also present: Mr. Russ Whitman, Police Chief; Ms. Donnette Fisher, Law Director; Mr. Jonathan Westendorf, Fire Chief; Mr. Ross Coulton, Police Captain; Mr. Sonny Lewis, City Manager and Mrs. Jane McGee, Clerk of Council.

The Pledge of Allegiance was led by Chief Whitman.

Mr. Hall made the motion to approve the Clerk's Journal and accept the tapes as the official minutes of the October 17, 2011 regular meeting; seconded by Mr. Aldridge. The vote:

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

Motion passed.

RECEPTION OF VISITORS

Mr. Chris Wunnenburg, Director of Development for Schumacher Dugan Construction, 6355 Center Park Drive, West Chester, Ohio, stated he was here to address comments made in the newspaper last week about Schumacher Dugan's relationship with the City. Allegations were made that City officials didn't return phone calls made to them from property owners along I-75/SR 123 regarding potential development. None made by Schumacher Dugan, have gone unanswered and unresponded to. We believe that we've had a marvelous relationship with the City, work well with staff from the time of Wells Bridge, Mike Robinette, Don Woods, Jim Lukas and Donnette Fisher. We have worked through many issues – very happy with the City of Franklin and hope you have been satisfied with us. We are in the business of trying to do economic development and bring business into the City – quality business. Mr. Wunnenburg added he knew of no proposals that have been brought to us that we've been unresponsive to and know of no questions that we've asked of you that haven't been responded to by you. Mr. Schumacher is also here tonight. Also, we don't want to grow grass out there – do want to bring quality business to the City. We are here to work with you and hopefully, bring those quality businesses to Franklin.

Mayor Centers stated he appreciated him coming to set the record straight. We've always had a good working relationship with you and want to continue that. We want businesses to move to Franklin as badly as you do.

Mr. Bray stated he was at the meeting and appreciates you coming tonight to set the record straight. It was Tony Weissmann, running for Franklin Township Trustee that said that at the meeting. He indicated that he had been working with you on some projects and every time you came to Franklin we weren't working with you. I've never heard of that – been here 10 years. I felt that was a low blow to Council – work very hard and care about businesses that come to the City.

Mr. Lipps thanked him –I've known you for 10 years. We've worked together in the past on some projects that worked and some that haven't. I'm the one who took the bullet that day – Mr. Knipper and I were standing up when Mr. Weissmann made the statements. In the heat of the moment, I'm the one who fired back. Mr. Lipps apologized to Chris and Larry – it wasn't to you but to misinformation and allegations made using the names of our City Manager and Mayor who weren't there to defend themselves. He apologized personally and for Council - you have to understand the moment and what was being said. He added nobody makes money on grass – both organizations want new plants with 200 jobs – quality jobs. Don't want another stor-n-lock, car lot or auto parts store – want quality jobs. That's what we were accused of not bringing and he name dropped by saying he had just talked to Larry on his cell phone. When a candidate is in trouble you realize fear and misinformation sells.

Mr. Bray stated he also emailed Representative Beck today about Mr. Weissmann stating he was working with Represent Beck on jobs. Don't think he has talked to Rep. Beck about jobs we've turned down.

Mr. Faulkner thanked them for coming and setting the record straight. We are all interested in bringing jobs to Franklin and we'll do anything to make the relationship work better.

Mr. Rodney Roberts, 11 Overbrook Drive, Football Coach & Athletic Director, stated he was here on behalf of the Franklin City School District as Athletic Director. He stated last Friday was the first home play-off game; huge undertaking which couldn't have happened without the cooperation of the City. He recognized and thanked Sonny, Mark George, Tim Haney, Captain Coulton, Chief Whitman and Chief Westendorf for their help. He added he has also received good feedback from the Athletic Director and the people of Wapakoneta. As a Franklin resident, this has brought pride to me and, also, the fact the City and the School District came together in making this event happen without any problems. He added he wanted to recognize the individuals and say thanks; we appreciate it and hope we can make it a yearly thing.

Mayor Centers thanked him for bringing a winning team to the City – made us very proud also.

Mr. Knipper stated he has received calls about how well run the event was– couldn't ask for a better event - that was the type of atmosphere you want to play football at.

Mr. Roberts added that as a football coach it was a great atmosphere, but, as Athletic Director, he had concerns about the game management. Mr. Lewis & Chief Whitman gave us anything that we needed. He stated again, thanks and hopes to do this again. Mr. Roberts also noted the "Flying to the Hoop" tournament coming up that Franklin has been invited to participate – one of the top 5 basketball tournaments in the country.

PUBLIC HEARING ORDINANCE 2011-19 ENACTING SECTION 531.03 OF THE
CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO, TITLED "JUVENILE CURFEW," AND
REPEALING EXISTING SECTION 531.03, TITLED "CURFEW"

Ms. Fisher stated that this is an update to the juvenile curfew regulations that were done in 1964. The ordinance

was reorganized and the two biggest changes are: 1) juvenile 12 years and younger defined and 2) the penalty provision. Under the current ordinance, if a juvenile is out after curfew a letter is sent to the parents. Now, the juvenile can be cited to Warren County Juvenile Court and a penalty to the parents who allow this, is an unclassified misdemeanor on a sliding fee scale. She also noted that events are exempted; police officers have discretion in enforcing and the proposed changes are in response to the increased vandalism lately.

Mayor Centers asked where in the ordinance are 'discretion' and an '11 year old on the street' addressed. Ms. Fisher stated that the wording (in the ordinance) says "may" not "shall" – this gives the police discretion of enforcement.

Chief Whiteman explained how police officers will use discretion – will ask questions.

Mr. Faulkner stated that this has been to the Safety Committee and they recommend approval.

A member of the audience asked how parents will know about this. Chief Whitman stated that it will be advertised in several places, i.e. newsletter and newspaper articles.

Mayor Centers 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. Knipper made the motion to adopt Ordinance 2011-19; seconded by Mr. Aldridge. The vote:

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

Motion passed.

PUBLIC HEARING ORDINANCE 2011-20 AMENDING CHAPTER 1321 OF THE
CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO, TITLED "UNSAFE BUILDINGS"

Ms. Fisher stated that there are two changes to Chapter 1321: 1) added a section which allows the City to take advantage of ORC Section 3939.86 – requiring insurance companies to pay a portion of the insurance proceeds to the City as security to cover demolition or repair of structures that are damaged by fire; 2) per recent case law, we have modified notification for demolition to 30 days notice, by certified mail, to assure the City's lien will take priority as of the date the costs incur.

Mr. Faulkner stated that this has been to the Safety Committee and they recommend approval.

Mayor Centers 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 2011-20; seconded by Mr. Hall. The vote:

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

Mr. Faulkner yes
Mr. Knipper yes

Motion passed.

PUBLIC HEARING ORDINANCE 2011-21 AMENDING SECTION 723.13(A) OF THE
CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO, TITLED “RECORDS”

Chief Whitman stated that this is an alternate way for secondhand dealers to document items to use ‘Leads Online’. Pawn shops already use this program.

Mayor Centers asked why they can choose to participate.

Chief Whitman stated not all have computers – think once this is in place, they will use as it will be much easier to do – need a transition period.

Ms. Fisher added that they also can do by paper.

Mayor Centers asked if we can mandate ‘electronic’ reporting. Discussion followed on mandating ‘electronic Reporting’; noted this is a free service to the business; is a cost to the City; possible money savings; mandate for new business; and under State law, they are not required to report online. Mayor Centers stated we need to move forward on this and see how it goes.

Chief Whitman updated Council on recent stolen property recovered thru ‘Leads Online’ – is a good investment for us.

Mayor Centers opened the Public Hearing and asked for any Public comments.

Mr. Alan Abbott, 401 Sunnybrook, asked if there are any incentives for businesses to do online. Chief Whitman stated he has been contacting the businesses, one has confirmed will use.

Mayor Centers closed the Public Hearing and asked for any Council comments. There were none.

Mr. Bray made the motion to adopt Ordinance 2011-21; seconded by Mr. Aldridge. The vote:

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

Motion passed.

RESOLUTION 2011-47 AUTHORIZING THE COLLECTION BY UTILITY BILLING OF A
MONTHLY VOLUNTARY CONTRIBUTION FOR THE PURPOSE OF FUNDING SPECIAL EVENTS
AND ESTABLISHING A SPECIAL EVENTS REVENUE ACCOUNT

Mrs. Betsy Westendorf, Special Events member, stated that this has been to the Finance Committee. The Special Events Committee would like to place a volunteer contribution to Special Events on the water bills for \$1.00 or more, to be earmarked for the Special Events Committee. The Committee has been prudent with the

money, want to have fireworks, and we need to grow our money as the fireworks will take a lot of money. This will be 'opting in' to do and 'opt out' to discontinue.

Mr. Bray asked about those who want to make a donation to the Committee – maybe once or twice a year. Chief Westendorf stated that they won't be able to do that on the water bills. A donation will have to be made separate.

Ms. Fisher explained how it will work. Mrs. Westendorf added that they are in until they opt out – with a phone call.

Mr. Bray stated that this has been looked into before – asked if they are looking at having fireworks. Mrs. Westendorf responded yes. Mayor Centers added that it will be important to do a marketing letter.

Mr. Hall made the motion to adopt Resolution 2011-47; seconded by Mr. Bray. The vote:

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

Motion passed.

RESOLUTION 2011-48 ACCEPTING THE RESIGNATION OF JERRY BACK FROM THE CIVIL SERVICE COMMISSION AND APPOINTING JANINE JABLONSKI TO FILL THE VACANCY

Ms. Fisher stated that Mr. Back has resigned and Ms. Janine Jablonski is interested in serving. The term expires 12/31/11.

Mr. Faulkner made the motion to adopt Resolution 2011-48; seconded by Mr. Hall. The vote:

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

Motion passed.

RESOLUTION 2011-49 APPOINTING MEMBERS TO THE CITY OF FRANKLIN CHARTER REVIEW COMMISSION

Ms. Fisher stated that it has been 5 years since the last Charter review and as required by the Charter, it is time to do again.

This resolution appoints:

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|---------------|------------------------------------|
| Shane Centers | Civil Service representative |
| Lee Dunlap | Planning Commission representative |
| Carl Bray | Council representative |

Sonny Lewis
Bruce Stewart

Administration representative
Citizen-at-Large

Ms. Fisher added she hopes to have one meeting before Thanksgiving, then resume meeting after the first of the year.

Mr. Hall made the motion to adopt Resolution 2011-49; seconded by Mr. Bray. The vote:

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

Motion passed.

CITY MANAGER'S REPORT

Mr. Lewis reported on the following:

- There is a brochure in your mailbox – be sure to pick it up – info on an Economic Development Breakfast at Kings Island on November 22 – let me know if you want to go by the 18th
- Building permits fees for October almost \$11,000 – most since August 2008
- Veteran's Day Friday – the City Building will be closed
- Fire Department is selling t-shirts for breast cancer awareness – gave an update on Sam & Leslie Steadman, former residents & employees of the City, now living in California
- If you know of anyone who wants to serve on a committee, let us know, want to start a list

LAW DIRECTOR'S REPORT

Ms. Fisher reported on the following:

- The State Liquor Board denied the permit renewal for PH Bistros; contacted today that he is appealing that decision. There was some discussion if the permit can be used outside the City (no, State puts the permit in safe keeping); the appeal process and how long it will take (don't know how long it will take).

COUNCIL COMMENTS

Comments tonight include:

Mr. Lipps stated thanks for coming; he missed the football game Friday night due to his daughter getting married this weekend; and remember to vote tomorrow.

Mr. Faulkner stated thanks for coming; remember to vote tomorrow; the Girl Scout Troop will be at the next meeting for the flag ceremony and Eli Nardi, student at Schenck, has been declared cancer free.

Mr. Hall stated he was glad to see the football team have a good season; comments, from people who were helping Rodney, were appreciative of the City's help; good luck gentleman; thanks to Schumacher Dugan for coming this evening and glad he cleared things up; and thanks to Janine for wanting to serve.

Mr. Bray stated he was out of town for the last meeting and wanted to say great job on Fall Fest – positive event; and also positive for the football and basketball programs.

Mr. Knipper stated thanks for coming; glad the Schumacher Dugan issue was cleared up; great job Friday night, showcased the Park; have a lot of great events; largest pee wee football tournament this week and lots of positive comments about working together.

Mayor Centers stated thanks for coming; a parking sign is knocked down on Sunnybrook; thanks to Mr. Lipps and Mr. Knipper for attending the meeting and standing up for Council, he was out of town & couldn't attend the meeting, negative thing to do, concerned that I had missed a call, checked and confirmed with Mr. Schumacher that I hadn't. Have a great Council – good working Council, appreciate all of you; good luck tomorrow; traffic is backing up on SR 123 when turning into park, need to keep the passing lane in our plans; Mr. Lukas in town last Friday, good to see him and he misses Franklin; and amazed at how many people come to see the murals.

Mrs. McGee asked Council when they would like to schedule Council pictures – pictures will be scheduled for Monday December 5, 2011 before the meeting.

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

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

Motion passed.

Mayor Centers adjourned the meeting at 7:12 p.m.

Mayor

Clerk of Council