

**FRANKLIN CITY COUNCIL
APRIL 18, 2011**

Members of the Franklin City Council met in regular session on Monday, April 18, 2011, 6:00 p.m. at the Franklin Municipal Building, Mayor Denny Centers presiding.

Roll call showed:

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

There were 5 visitors at tonight's meeting. Also present; Mr. Jonathan Westendorf, Fire Chief; Captain Tony Abston, Fire Department; Mr. Russ Whitman, Police Chief; Captain Ross Coulton, Police Department; Mr. Sonny Lewis, Interim City Manager/ Public Works Director; Ms. Donnette Fisher, Law Director; and Ms. Rachel Stevens, Acting Clerk of Council.

The Pledge of Allegiance was led by Captain Abston.

Mr. Hall made the motion to approve the Clerk's Journal and accept the tapes as the Official Minutes of the April 4, 2011 meeting; seconded by Mr. Bray. The vote:

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

Motion passed.

RECEPTION OF VISITORS

Mike Gebhart, of Dayton, addressed Council regarding the May 3rd levy. Mr. Gebhart said he has been coming to the last few Council meetings. Mr. Gebhart stated that he is the Township Administrator for Bethel Township and that the levy that the City of Franklin was facing in May was very important to fund and support the local government. Mr. Gebhart observed that the City of Franklin is a very well-positioned community and can move forward if the levy passes. Mr. Gebhart believes that the City has a strong and attractive calling card. Mr. Gebhart wished the City luck and knows that the City is poised to move forward.

Joe Harris of Mission Lane also spoke in support of the levy and said that the City is not asking too much with the increase and that the City is in need. Mr. Harris stated that his main focus for Council is Mission Lane. Mr. Harris received a letter from HUD stating that Mission Lane is a City street and passed a copy of the letter to Council. Donnette Fisher stated that Mission Lane is not a City street, and will again send Mr. Harris the supporting documentation.

Jonathan Westendorf addressed Council, as the Treasurer for the “Better Future for Franklin” committee. Mr. Westendorf stated that the citizen support for this levy has been tremendous and has a much different feel than the past November levy. Mr. Westendorf stated that people off the street have been approaching him to offer support. “Better Future for Franklin” has raised \$1800.00, which is being used to promote the levy. Mr. Westendorf stated that he has received very good feedback regarding the letter sent to the citizens in the water bill. The door-to-door campaign, which was not done in November, has been providing citizens with brochures; but help is still needed in this area, as well as poll workers for the day of the vote. Mr. Westendorf indicated that Council participation is critical. Mr. Westendorf said that they are still looking for volunteers for door hangers on the eve of the election and that a social gathering has been planned for the night of the election at Pisanello’s Pizza to hopefully celebrate a victory and to recognize everyone’s hard work. Mr. Bray asked about the feedback of the door-to-door campaign, and Mr. Westendorf stated that it has been going well and he is following up on some citizen concerns that were unable to be answered by the volunteers. Mr. Bray stated that the tax reference sheet has been a great tool and Mr. Westendorf stated that communication is key, especially with this being the only issue on the ballot.

Mayor Centers asked about the Wright State survey and Mr. Lewis said that the data should be received by the end of this week. Mr. Lipps stated that the early vote has started and Mr. Faulkner thanked everyone for all of the effort put into the campaign. Mr. Lipps asked if there were any yard signs left and Mr. Westendorf stated they have some. Mayor Centers asked if they could be put in key locations around the City, such as by the License Bureau, and Mr. Westendorf stated that yes, Runge Law Office, Mears Insurance and Pisanello’s are all displaying signs, and that he would be putting more up in busy locations around town. Mr. Westendorf then gave Council a sign-up sheet. Mr. Faulkner asked if the local PTA’s and other community groups had been addressed and Mr. Lewis stated that two have been and there are two more to go.

**ORDINANCE 2011-09
Public Hearing**

**AMENDING SECTION 723.01, TITLED “DEFINITIONS,” OF
CHAPTER 723, TITLED “SECONDHAND DEALERS,” OF THE
CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO**

Ms. Fisher said that at Council’s request, this Ordinance will be adding gift cards to the list of items that the secondhand shops cannot buy or sell. Ms. Fisher stated that these gift cards often result from shoplifted merchandise being returned to a store with tags still on but without a receipt. Because there is no receipt, the store gives the individual a “gift card,” which is then sold to the secondhand shops for a fraction of the value. This Ordinance will prohibit secondhand dealers from buying, selling or trading such items.

Mayor Centers then opened the public hearing, and asked if anyone wished to address Council on this Ordinance. There being no one who wished to address Council, Mayor Centers closed the public hearing and called for Council comments on this Ordinance. Mr. Aldridge asked how the shops are notified of changes in the regulations, and Chief Whitman stated that he personally hand delivers the information to the shops. Mr. Faulkner asked if the items being returned to the store were mostly stolen items and Chief Whitman said that it was hard to tell. Mr. Aldridge asked if the shops are taking photos of the items. Ms. Fisher said that the shops are required to record what they buy and from whom, but presently photos of the items are not required. She stated that the secondhand shop is also required to maintain records showing the name, address, phone number, and a copy of a photo ID for each person that sells items to the shop. Chief Whitman stated that this isn’t done 100% of the time. Mr. Faulkner asked if we had the authority to audit the stores and Chief Whitman said yes.

Mr. Hall made the motion to adopt Ordinance 2011-09; seconded by Mr. Faulkner. The vote:

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

Motion passed.

RESOLUTION 2011-18 OBJECTION TO THE RENEWAL BY THE OHIO DEPARTMENT OF COMMERCE, DIVISION OF LIQUOR CONTROL, OF PERMIT NO. 83115030005, CLASSES D1, D2, D3, and D3A, HELD BY TIMOTHY J. SMITH dba SMITH'S BISTRO, 539-43 S. MAIN STREET, FIRST FLOOR, BASEMENT AND PATIO, FRANKLIN, OHIO 45005

Ms. Fisher said that this Resolution objects to the renewal of the liquor license for PH Bistro. Ms. Fisher stated that the Resolution specifies the City's objections to the permit and requests a hearing on the renewal. Ms. Fisher clarified that this Resolution in and of itself does not stop the renewal, but gets us the opportunity to present our reasons for objecting at a hearing. Ms. Fisher stated that the City has plenty of data to present at the hearing.

Chief Whitman said that Mr. Smith bought the property in 2007, and in 2007 there were only 14 complaints at the establishment. Chief Whitman stated that these numbers have continued to double, and sometimes triple, over the next few years, with 30 complaints in 2008, 87 complaints in 2009 and 284 complaints in 2010. Chief Whitman also stated that Mr. Smith has brought in several consulting firms - none of whom have lasted - and the last one told the City they had three options: a) help Mr. Smith with gaining order and paying his bills; b) Walk away; or c) Buy Mr. Smith out. The City was supportive of option c), however, they chose option b) and walked away. Chief Whitman stated that he has a meeting with the new manager, Danny Wilkenson, to discuss taking care of matters pending.

Mayor Centers asked about the number of violations. Chief Whitman stated that the department has done random walk-in inspections trying to be proactive, but part of the problem stems from employees not cooperating. Ms. Fisher stated that in 2009 the City objected to the D3A license which allows Bistro to stay open until 2:30 a.m. The city won this objection because of the Bistro's history. After being denied the D3A permit, Mr. Smith agreed to clean up the Bistro and for a time, improvements were made. Because Mr. Smith reapplied for the D3A permit during a period of improvement, the City did not then object; however, once the permit was obtained the Bistro returned to its old ways.

Mr. Bray asked if the majority of crime in the City's liquor permit businesses come from the Bistro and Chief Whitman said yes. Mr. Faulkner then asked Ms. Fisher what happens next, and Ms. Fisher replied that the State will set a hearing in Warren County. Mr. Bray asked how long the process was; 2-3 months? Ms. Fisher said that last time the hearing was held within 2 months. Ross Coulton reported that the Bistro is in the midst of an assault case in which a police report was made through Franklin Police Department, but that Mr. Smith has had the hearing postponed. Mr. Centers said that he thought that the Bistro was experiencing tax problems, and that the Bistro was bad publicity to our City. Ms. Fisher said Mr. Smith has always said he wants to operate a nice family restaurant - losing his liquor permit would still allow Mr. Smith to operate the Bistro as a family restaurant.

Mr. Bray made the motion to adopt Resolution 2011-18; seconded by Mr. Aldridge. The vote:

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

Motion passed.

RESOLUTION 2011-19 AMENDING THE POSITION DESCRIPTION FOR THE UNCLASSIFIED POSITION OF CITY MANAGER

Ms. Fisher stated that this is part of an ongoing project to update all job descriptions for the City. Ms. Fisher stated that this Resolution will update the City Manager's position description to reflect Council's current desires for the position and to reflect necessary changes required by changes to the City's Charter.

Mr. Faulkner made the motion to adopt Resolution 2011-19; seconded by Mr. Bray. The vote:

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

Motion passed.

RESOLUTION 2011-20 APPOINTING SONNY LEWIS AS CITY MANAGER AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH SONNY LEWIS FOR SERVICES AS THE CITY MANAGER

Ms. Fisher stated that this Resolution appoints Sonny Lewis as the full-time City Manager, and also authorizes him to continue acting as the Public Works Director. Ms. Fisher informed Council that a copy of the City Manager employment contract was attached to the Resolution. Mr. Bray asked if the other applicants would be notified, and Ms. Fisher stated that yes, Mr. Vermillion has drafted a letter to be sent out to the other applicants. Mr. Centers stated that he was very excited about this and the Mr. Lewis has done a great job as Interim City Manager.

Mr. Lipps made the motion to adopt Resolution 2011-20; seconded by Mr. Faulkner. The vote:

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

Motion passed.

CITY MANAGER'S REPORT

Mr. Lewis had nothing to report.

LAW DIRECTOR'S REPORT

Ms. Fisher reminded Council that she would not be present at the May 2nd meeting.

COUNCIL COMMENTS

Comments tonight include:

Mr. Hall thanked Jonathan Westendorf for all the work he has done on the levy. Mr. Hall also congratulated Mr. Lewis.

Mr. Aldridge congratulated Mr. Lewis and thanked Mr. Westendorf on a job well done.

Mr. Bray also congratulated Mr. Lewis. He also said that he attended the Easter egg hunt put on by Dr. Klosterman and said that the number in attendance was down from last year, due to the weather, but reported that everyone had a good time.

Mr. Lipps thanked the audience and congratulated Mr. Lewis. Mr. Lipps stated that he attended the Rotary pancake breakfast and worked with Mr. Lewis at the event. Mr. Lipps stated that former City Manager was in attendance and "punked" Mr. Lipps by stating that he intended to get his job with Franklin back. Mr. Lipps wished everyone a Happy Easter.

Mr. Faulkner thanked the visitors for coming to the meeting. He also thanked Chief Whitman for his work on the Bistro project and congratulated Mr. Lewis.

Mr. Knipper also congratulated Mr. Lewis. Mr. Knipper thanked Mr. Gebhart for attending the meeting and for his input. Mr. Knipper stated that many citizens have been popping into the bank to discuss the levy and he has heard a lot of positive feedback. Mr. Knipper said that compared to other local cities, that Franklin offered a lot a value for their tax dollars.

Mr. Centers thanked everyone for coming and also congratulated Mr. Lewis.

At 6:50 p.m., Mr. Hall made the motion to adjourn; seconded by Mr. Bray. The vote:

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

Motion passed.

Mayor

Acting Clerk of Council