

**FRANKLIN CITY BUILDING
NOVEMBER 17, 2014**

Members of the Franklin City Council met in regular session on Monday, November 17, 2014, 6:00 p.m. at the Franklin Municipal Building, Mayor Denny Centers presiding.

Roll call showed:

Scott Lipps	present
Matt Wilcher	present
Jason Faulkner	present
Denny Centers	present
Carl Bray	present
Michael Aldridge	present
Todd Hall	present

There were 2 members of the press and 7 visitors at tonight's meeting. Also present; Mr. Jonathan Westendorf, Fire Chief; Mr. Russ Whitman, Police Chief; Ms. Donnette Fisher, Law Director; Mr. Ross Coulton, Assistant Safety Director; Mr. Sonny Lewis, City Manager and Mrs. Jane McGee, Clerk of Council.

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

Mr. Hall made the motion to approve the Clerk's Journal and accept the tapes as the Official Minutes of the October 20, 2014 regular meeting; seconded by Mr. Bray. The vote:

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

Motion passed.

RECEPTION OF VISITORS

There were no visitor remarks tonight.

RESOLUTION 2014-33 AUTHORIZING THE PURCHASE OF POLICE CRUISERS FOR THE DIVISION OF POLICE THROUGH THE STATE PURCHASING PROGRAM

Mr. Lewis stated that funds for this purchase are in the 2014 budget, for three 2014 Dodge Charger cruisers, total amount of \$73,851.00 (\$24,727 each), thru the State Purchasing program. The cruisers will also be equipped at \$6,000+ each and will also use some of the equipment being removed from the cruisers being replaced.

Mayor Centers asked if all of the older cruisers have been replaced. Mr. Lewis stated no, and he will be talking with the Chief about this. Chief Whitman stated there are two older vehicles – one is being used for the canine officer.

Mr. Bray asked what cars are being replaced. Mr. Lewis stated we are replacing a 2006 & two 2007 Dodge Chargers.

Mr. Bray asked about the equipment being re-used. Chief Whitman stated some of it can be used and some can't.

Mr. Bray stated at the Finance Committee meeting, discussed new cars and the equipment cost being almost as much as the car costs. Mr. Lewis stated that we should now be able to reuse the equipment.

Mayor Centers asked how often is the equipment updated. Chief Whitman stated the 11 units initially purchased need upgraded now; using money from the Evidence Room and will start rotating the replacements.

Mr. Hall made the motion to adopt Resolution 2014-33; seconded by Mr. Faulkner. The vote:

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

Motion passed.

INTRODUCTION OF NEW LEGISLATION

Mayor Centers introduced the following legislation:

Ordinance 2014-11	Enacting Section 931.19 of the City of Franklin Codified Ordinances
Ordinance 2014-12	Enacting and Adopting the 2014 Supplement to the Codified Ordinances of the City of Franklin, Ohio
Ordinance 2014-13	Amending Certain Sections of the City of Franklin Traffic Code to be Concurrent with State Law Through December 31, 2014

Public Hearing will be held December 1, 2014.

WORK SESSION: MAKING THE FRANKLIN MUNICIPAL COURT JUDGE FULL-TIME

Mayor Centers stated that this has been to the Finance & Safety Council Committees.

Mr. Bray, Chairman, reported on the Finance Committee meeting. He stated it was discussed and we received information and numbers from Judge Ruppert and Mr. Lewis. He summarized the meeting as follows: five year projection done, approximately cost \$47,000 for the first year and \$62,000+ for the 5th year; lot of discussion; voiced our concerns to the Judge; questioned and voiced concern about the \$152,000 in revenues, when last year it was \$93,000. No vote or recommendation was taken.

Judge Ruppert explained that the \$93,000 is the Special Project Fund only for last year; in addition, the Computer Fund generated another \$17,000 and the Electronic Home Monitoring Fund generated \$28,000, for total of \$138,000 last year. He has taken the Computer Fund and EHM Fund and included them in the Special Project Fund; the \$152,000 includes the \$29.00 assessed on all Court costs; in 2012, brought in

\$166,000, in 2013 \$138,000, in 2014 \$156,000, varies slightly each year. Judge Ruppert stated the budget presented is based on Court costs increased by \$10.00, and he can increase Court costs more if he needs to; and at the end of October revenues are at \$92,000, projected at year end \$110,000, plus the other two funds, for total of \$152,000. Mr. Bray stated that this information is in the packet given to Council. Judge Ruppert added the \$152,000 is revenues for this year; with the raised Court cost of \$10.00, there will be an additional \$80,000; SCRAM revenues of \$20,000, making the gross revenues about \$252,000. Revenues will vary from year to year depending on collections.

Mr. Faulkner stated he has concerns, which he has forwarded to Council. He referred to figures that he received from Ms. Morgan, and shared with Finance Committee. He voiced concern about the \$152,000 in revenues; averages about \$80,000 spent for other things; and a five year historical shows he only collects about 65% of the costs; and regardless of the increase of the Court cost, his concern is the revenues won't be as great as being presented.

Judge Ruppert stated averaging out the last five years the revenues are: 2010, \$196,000; 2011-\$130,000; 2012- \$166,000; 2013- \$138,000 and 2014- \$156,000. Mr. Faulkner stated these numbers aren't on the spreadsheet provided to them by Ms. Morgan. Judge Ruppert stated he got his numbers from the budget document provided by Ms. Morgan and they were confirmed with her this past week.

Mr. Bray stated with the concerns expressed, we need to make sure the figures are right.

Discussion continued on the Courts revenues and expenditures and the figures which were presented to the Finance Committee and the numbers presented by the Judge.

Mr. Faulkner stated that a lot of numbers are being thrown around – need one spreadsheet which everyone agrees on.

Mr. Hall stated that a meeting, with a member of Council and Judge Ruppert, is needed with Ms. Morgan to provide a spread sheet for all to use, and it is too confusing with all the information we have.

Judge Ruppert stated he agrees, but the real issue is, do you want a full-time Court or do you want a Magistrate to do it. The Magistrate costs are not included in the budget figures and that will be a substantial increase. His increase with a full-time Court is \$17,000 and a Drug Court is needed.

Mr. Wilcher stated he agrees with Mr. Hall that there are too many numbers to look at – we need one set of numbers which we all agree on.

Mayor Centers stated the \$152,000 in revenues is what is in dispute. All agreed.

Mayor Centers stated a meeting is needed with the Judge, Ms. Morgan and a Council member to agree on numbers along with Mr. Lewis. Mr. Centers added, we've heard the Judge has the ability to raise the fee if he needs to, to cover the cost of the project.

Mr. Lipps asked why the fee hasn't been increased so we didn't have to give him \$357,000 last year. Why are we supplementing the Court budget if you can raise the fee to cover it?

Judge Ruppert stated it has to be for a specific project to raise the fee; this is a drug project; don't want to raise Court costs unless you have to because it's a burden on the taxpayers coming through Court; and think this project is worthwhile doing, the Drug Court. Mr. Lipps stated that the City's share of \$357,000 is a burden on the taxpayers as it's coming out of the General Fund instead of being used for paving streets. You're electing not to have the people in your Court be abused by the taxes, but the common

citizen. Judge Ruppert agreed, all citizens help supplement like other departments in the City, very few raise money, but is a service provided, and is unfortunate that other communities don't share in that cost. Carlisle and the Township should be part of it, they aren't and he can't do anything about that.

Mr. Bray stated other things discussed was if the Court isn't fulltime, the cost of a Magistrate would be \$60,000+ for 3 days. Judge Ruppert stated you won't find someone for that cost; if you hire someone will probably have to be full-time; \$40.00 hr., plus benefits cheapest rate in Warren County; and a lot of work is involved and it won't get done in 3 days.

Mr. Faulkner asked if 17 hours of Court time now is correct, Judge 12 hours and 5 hours for the Magistrate, and you are going to go to 40 hours of Court time. Judge Ruppert stated current hours are correct, but there won't be 40 hours of Court time, but of time. It won't all be Court session time, but one on one meetings with each involved in the drug class. Mr. Faulkner questioned if he can have one on one meetings. Judge Ruppert stated yes, the Judge has to be involved and referred to the studies that he gave to Council. You can't do that when someone is first charged because they have the right to counsel; once convicted and on probation, he can meet with anyone at any time. That's another advantage to the Judge doing it as a Magistrate has no power to send some to jail.

Mr. Bray asked, even with the Magistrate, there will be these costs. Judge Ruppert stated yes. Judge Ruppert went over the costs.

Mr. Faulkner stated he voiced his financial concerns to the Judge and the effect this will have on the City in the future. Judge Ruppert stated he understands his concerns; Mr. Lewis voiced concerns about if made full-time, the next Judge might want a full-time Magistrate. If the Court isn't made full-time, the Magistrate costs will be now.

Mr. Bray stated that four Council members will be up for re-election; for example, if we get four new members, they may decide to spend \$4 million on a new swimming pool, could break the City, and that may or may not happen. He doesn't think any Judge elected, would not want to continue this especially if it is working.

Mr. Faulkner stated that's one of the issues that we don't know if it's going to work because we haven't tried it.

Mr. Aldridge stated that he talked to the Judge Ruppert about that and asked how many people are on the program besides the young lady who spoke to Council.

Judge Ruppert stated has 6 on vivitrol and more on other programs; of the 175 on probation, 72 drug dependent and 60 of those are hard core drug dependent (heroin).

Mr. Aldridge stated that his concern is if people won't participate in the Drug Court, what the consequences are. He's learned it's more than just the vivitrol shots and asked the Judge to explain.

Judge Ruppert stated they also have mental health issues; alcohol problems; more than just vivitrol shot; not all are on heroin; not all are eligible for vivitrol; think sizeable amount will participate and it does work.

Mr. Hall asked what happens now with a person with a heroin problem. Judge Ruppert stated majority of time they are locked up, clean them up and they usually go back to using.

Mr. Wilcher asked if vivitrol shots are used now and about jail space. Judge Ruppert stated it has been tried on 4-6 people but need extensive follow-up with them and there is usually room for men at the jail; sometimes no room for females.

Mr. Wilcher asked about a recent article which said Middletown only had one person to stay with the program and what makes him feel we'll have more people to participate in the program. Judge Ruppert stated you have to an intensive program and he doesn't know what's been done in Middletown.

Mr. Wilcher stated it seems as if we are setting up a social service in the City; projected costs; and looking at the sustainability of a full-time Judge. Judge Ruppert stated all the reports are positive on drug Courts and what they have been able to do. Mr. Wilcher added that he is concerned about the cost.

Judge Ruppert stated except for the secretary, it's designed not to come out of the City coffers.

Mr. Faulkner asked why not look at County and State resources. Judge Ruppert stated that's an idea, have Court jurisdictions, will take time to do and we have the problem now.

Mayor Centers asked if we implement this now, if it's possible in the future to see drug cases going to one Court. Judge Ruppert stated that is a legislative issue by the State to do.

Mr. Aldridge stated we asked Chief Whitman what he needed for drug issues; we have a problem and are not alone; for the cost, we may have an impact on the problem; Judge Ruppert can't force someone to do vivitrol but he can force them into the Drug Court. Hope we save some lives along the way and he's tired of repeat offenders with drug problems.

Mr. Bray stated we have \$193,000 overtime in the Police Department, which includes drug issues, maybe we can help lower this cost. Based on these numbers, \$47,000 to subsidize the program and if we help 5 people it is worth it.

Mr. Aldridge stated he's received information that says there may be some discrepancy on the day to day functions of how the Drug Court works and that you can't meet one on one with them. He asked Ms. Fisher in her legal opinion, if she thinks there is anything else that is needed to operate the Drug Court other than the full-time Secretary and the full-time Judge at an additional cost of \$17,000.

Ms. Fisher stated she has a concern with the person you're meeting with being the person that sentences you; Rules of Judicial Conduct says ex parte communications are allowed if you have a Specialize Docket, process takes 6 months to one year, have to be certified by Supreme Court to have a Specialize Docket; Supreme Court recommends a treatment team, to meet once a week and the person has the right to have their attorney present; Prosecutor, Defense Counsel, Court staff and Probation are also involved; status hearings held; staff wise, Probation will need help; and budget wise, may be additional jail costs.

Judge Ruppert stated he can meet with them at the status meeting, difference is, he can send them to jail and a Magistrate can't.

Mr. Aldridge stated don't want to put you on the spot but we need to get this out and discuss it so we don't have to have another meeting about it. Ms. Fisher stated that she can meet with the Judge and the Prosecutor to discuss. Judge Ruppert stated certification is not required and there are Drug Dockets all over the State; Prosecutor involved in pre-trial diversion program, the Prosecutor would be involved in pre-conviction not post-conviction. I can do what I want to do with a Drug Court before certification. He has talked with Talbot House to refer offenders to for meetings, and Judge Peeler's Court is not certified.

Mr. Lipps asked why we would want to do this if you're not going to make it a Certified Drug Court. Judge Ruppert stated he intends to go through the process, but that he can do what he wants to do with the Drug Docket before it's certified.

Mr. Lipps asked if he has started the process. Judge Ruppert stated that he has met with Talbot House and people who will be part of the drug team; attending a conference this Thursday on Drug Dockets; been to drug seminar put on by the Governor's office and Supreme Court and reviewed our budget.

Mr. Lipps asked about grant money being available. Judge Ruppert stated he hopes so, but he has not included any grant money.

There was some discussion on how Judge Peeler's Court is operating the drug Court.

Mr. Aldridge asked if the grants are intended to help pay for the vivitrol shots and if we have any intentions of paying for these shots. Judge Ruppert stated yes, grants are to pay for the shots and we will not be paying for them.

Mr. Lipps stated the Safety Committee met, did not discuss the financial aspect. Mr. Lipps asked Ms. Fisher to forward to Council a copy of the Specialized Docket information. Discussed that the Specialized Docket is hard to get; if we do get certified, have to be recertified every 3 years or if there is a new Judge, have to recertify; if we do a full-time Judge, no guarantee there will be a Specialized Docket or Drug Court; no financial help from Carlisle or Franklin Township, full-time Judges based on population of 50,000, what qualifies us at population of 28,000 to do this.

Judge Ruppert explained it's in the information that he has given to Council. We are in the middle as far as population; crime wise, we are 16th in the State based on population. The idea is to establish a Drug Docket to help some of these people. Number wise, it can be justified without the Drug Court.

Mr. Lipps questioned participation in the program. Judge Ruppert stated hard to say, most want help, is unknown. Mr. Lipps asked thought you said 75-80 people on vivitrol. Judge Ruppert said we have 70 people that could use it, but don't know how many will participate.

Mr. Lipps stated the Safety Committee voted to table the full-time Judge question depending certification of the Drug Court or Specialize Docket.

Mr. Aldridge asked if you have to be certified. Judge stated don't have to be.

Mr. Wilcher asked if they can do it on their own. Judge Ruppert, yes can, but they can't do it.

Mr. Wilcher stated he can't say Franklin will be safer if we do this; don't have any numbers or information to show that; and after 18 months, what happens.

Mr. Lipps stated you said you talked with Talbot house, know of any success stories? Judge Ruppert responded he did not talk about that with them, talked about them being part of the treatment team. Mr. Lipps added that he has talked to them and they said they had no success stories to tell.

Mayor Centers stated for the money, \$17,000-\$35,000 to start with – currently not working – rewards are worth the risk.

Mr. Faulkner asked at what point is it not worth it.

Mr. Aldridge stated would you rather have it this way for \$17,000 with a full-time Judge or have it with a full-time Magistrate. We can choose to do a fulltime Court or do it with a Magistrate.

Some discussion on trying it for a year.

Mr. Ron Maag, State Representative, addressed Council. He stated that vivitrol does work but not on everyone. This is being worked on at the State level; discussion on it after the lame duck session; don't know how it will be set up; will be some money available; County is working on certification for a Drug Court; doesn't want Council to get to far ahead and advised to slow back for a couple of months and see what happens at the State and County level and to continue as is to see what is decided; have no answers and hope to have direction in next several months.

Mr. Lipps asked if he knows of any other cities doing this and what are the Commissioners doing. Representative Maag stated he doesn't know; everyone has the problem; will be talking to Judge Peeler before Thanksgiving and then to the Commissioners; and it's not his job to tell Council what to do.

Mayor Centers & Council thanked him for coming tonight.

Mr. Faulkner asked Mr. Lewis if he had any concerns.

Mr. Lewis stated his concerns are over the cost of the Court; projections out to 2019 show City having to subsidize the Court \$849,832; overtime down in Police Department, don't think that will happen as will be replaced with other issues; Police doing a good job keeping dealers out of town; all cities have a drug problem, we advertise it more than others; do as inexpensively as possible, at end of 2 - 3 years if not working, need to look for a solution/help elsewhere; not fair we pick-up the cost of Carlisle and Franklin Township, 28,000 people; asked if gets out of control, look at some other solution, State, Warren County, Carlisle; personal concern of putting 35 year old people on Medicaid, with no hope of getting off of it; talked with Talbot house, vivitrol helps with opiates & alcohol, but what happens when they get off of it; Probation work load will increase; think it will take 2 years before we can see if it is a success or not; don't think crime or Police overtime will be affected; don't think the numbers on drugs will go down; don't be afraid to change to help the City; 22% increase in Court revenue is normal; want you to know your expectations; and he asked the Judge to be flexible, money is a factor and may need to re-evaluate in 2 - 2 ½ years.

Judge Ruppert stated the Court budget is not growing, staying stable and explained why it's not.

Mayor Centers stated for Mr. Lewis to schedule a meeting with Judge Ruppert, Ms. Morgan, Mr. Faulkner & Mr. Bray.

Mr. Aldridge asked if we re-evaluate this in 2 ½ years, can we do away with the full-time Judge – no you can't.

Mr. Bray stated we carry the burden for Carlisle and Franklin Township in other areas – such as dispatch.

Mr. Aldridge asked since the Township and Carlisle don't contribute to the cost of the Court, can they pay a different Court cost. Judge Ruppert stated, no, all pay the same.

Mr. Bray added, on the other side, we don't contribute to the cemetery and we pay a reduced cost. Mr. Faulkner added we are talking about a change that can't be undone.

Mr. Aldridge added he only cares about Franklin, we have a problem, better to have a Drug Court and his concern is a full-time Court.

Mr. Hall stated we had no problem with doing EMS and we won't get rid of it if it goes in the red; we will take risks and we're scared of a full-time Judge; told Police we have a problem and do whatever it takes; in a past Finance Committee, Mr. Lipps said we need to buy Police cruisers because we need to upgrade our City; my problem is, financially, we don't have the right numbers; and he's not afraid to take a risk, we do things here, for us.

Mayor Centers stated that this will be on the next Council agenda. Mr. Lipps stated we need to wait as more information is needed. Mr. Bray stated he thinks we'll know if this is successful in the first few months. Mr. Aldridge stated we need to try this for the next 3 months. Mr. Bray stated nothing is going to happen unless there is full-time Judge or full-time Magistrate.

CITY MANAGER'S REPORT

Mr. Lewis had no report tonight.

LAW DIRECTOR'S REPORT

Ms. Fisher reported that HB5 has been scheduled for testimony and is going to be voted on and we don't know what is included in it yet.

Mayor Centers asked if there are any meetings on HB5. Mr. Lewis stated that a press release is coming out and he will forward any information to him about HB5.

COUNCIL COMMENTS

Mr. Lipps stated he attended an open house for Play Zones and everyone needs to see; and explained why we changed to Chargers for Police vehicles.

Mr. Wilcher thanked everyone for coming tonight.

Mr. Faulkner thanked everyone for coming tonight, thanked staff and Judge Ruppert for their work done on the Court discussion.

Mr. Hall had no comments tonight.

Mr. Aldridge suggested to make sure everyone agrees and are using the same numbers before the Court issues comes back to Council so we don't keep rehashing the same thing; Luke Kennard committed to Duke and it was very cool what Coach K said about Luke and also recognized our community.

Mr. Bray stated he also was at Luke's sign and is was very neat and he received a call that there was a break-in at the Park, at Pee Wee Fields press box. Mr. Lewis stated he was aware of it and has talked with Mr. Knipper.

Mayor Centers stated he appreciates Representative Maag and Judge Ruppert coming tonight; appreciate Council and your opinions; hopefully we make the right decision about this; believe the Judge is passionate about this program and we have to consider the economics of this for the City.

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

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

Motion passed.

Mayor Centers adjourned the meeting at 7:45 p.m.

Mayor

Clerk of Council