

**FRANKLIN CITY COUNCIL  
APRIL 16, 2012**

Members of the Franklin City Council met in regular session on Monday, April 16, 2012, 6:00 p.m. at the Franklin Municipal Building, Mayor Scott Lipps presiding.

Roll call showed:

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

There was one member of the press and 28 visitors at tonight's meeting. Also present: Mr. Jonathan Westendorf, Fire Chief; Mr. Ross Coulton, Police Captain; Mr. Russ Whitman, Police Chief; Ms. Sandra Morgan, Finance Director; Ms. Donnette Fisher, Law Director; Mr. Sonny Lewis, City Manager and Mrs. Jane McGee, Clerk of Council.

The Pledge of Allegiance was led by Mr. Sonny Lewis.

Mr. Faulkner made the motion to approve the Clerk's Journal and accept the tape as the official minutes of the April 2, 2012 regular meeting; seconded by Mr. Wilcher. The vote:

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

Motion passed.

#### RECEPTION OF VISITORS

Jeff Trammell, 27 John Street, stated he had some questions about the City taking over EMS services – needs basic & funding information so he can make an informed decision – wants to make sure it is the right thing to do and is cost effective.

Mayor Lipps thanked him for coming tonight and that this will be addressed in the next item, Resolution 2012-25. Mayor Lipps stated that information about both sides (City & JEMS) will be provided; want you to be informed; and we will present the facts to let the voters decide.

Mrs. Perry, 386 Thomas Drive, stated she was informed by Mr. Wilcher on Friday there is a preliminary report about the speeders on Thomas Drive and asked what has been done.

Mr. Lewis stated he asked Captain Coulton to make a report.

Mayor Lipps stated that Mrs. Perry approached Council several weeks ago asking for help with speeders on her street, Thomas Drive. We found out that a gate was open in the back of the apartment complex causing additional traffic. This is a follow-up report.

Captain Coulton stated after the April 2, 2012 Council meeting, a directive was put out to enforce traffic violations on Thomas Drive and the surrounding area. The report was handed out to Council members (attached) and it was noted that it is not a complete report. The report shows written violations; doesn't include when they were in the area and didn't see anything; there is no good place to park a cruiser on Thomas Drive; one citation was written on Thomas Drive for a turn-signal violation; no speeding violations were written; and the speed sign has been used in the past.

Mr. Bray asked Mrs. Perry if she has seen any improvement. Mrs. Perry stated no, there are better places to park the cruiser (than where they were); need to move off of the top of the hill as they can be seen. Captain Coulton stated that being seen is the same as writing violations – they are observing the speed limit. Mrs. Perry also noted that she lives at the top of the hill and it is dangerous spot.

Mr. Faulkner asked maybe there should be no parking on her side of the street.

Ms. Kim Peace, 385 Thomas, stated it is bad and as soon as the cruiser leaves, they are speeding again.

Discussion continued on where to park a cruiser on the street.

Mayor Lipps stated we will try again and make this a priority area. Mr. Centers stated maybe the Police can park at a different location.

Captain Coulton asked about speed bumps. Discussion followed on speed bumps, rumble strips, cameras in this area and possible areas to park the Police cruiser.

Ms. Kathy Howard, homeless, presented and read a letter to Council and asked for help (attached). She stated she needs help financially to get off the streets, car was stolen, she has to walk everywhere & her feet hurt. She added that she has been sleeping in Middletown and has been abused & harassed. Mr. Lewis stated we will try and find her safe shelter.

**RESOLUTION 2012-25 DETERMINING TO PROCEED WITH THE LEVY OF A PROPERTY TAX IN EXCESS OF THE TEN MILL LIMITATION FOR FIRE AND EMS PURPOSES AND TO SUBMIT THE QUESTION OF THE TAX TO THE ELECTORS AT THE AUGUST 7, 2012 SPECIAL ELECTION**

Mr. Lewis outlined how we have gotten to this point.

- Last July/August, received a report from JEMS about a levy they were considering – 1.8 mill renewal and 3.04 mill additional levy – to bring JEMS up to standards

- After discussions – comments were that the 3.04 levy is the Cadillac plan
- In December 2011, Council asked for a report on providing EMS for the City
- At February 6, 2012 meeting, a report with 3 options was presented

Option 1. JEMS Levy

Aims & Funding Mechanism	
0.80 Mill Levy-1988	\$ 180,000
1.0 Mill Levy-1995	310,000
EMS User Fees	<u>780,000</u>
Total	\$ 1,270,000
3.04 Mill Levy-2012	\$ 1,502,700
Anticipated Funding Level	\$ 2,772,700

The EMS User fee is the actual money received – it was estimated too high in the original report and has been adjusted. This will provide money to operate JEMS, per Chief Riddiough’s recommendation, to add 3 full-time positions; establish a capital improvement plan of \$440,500; and eventually staff a 4<sup>th</sup> life squad. Franklin has an average of 5-7 runs a day.

Mr. Lewis asked Mr. Bray, who attended a recent JEMS Board meeting, about asking Mr. Ruppert what is needed and he said a 3.04 mill levy is needed. Mr. Bray stated that is not what he said. He said he would never vote for a 3.04 mill levy. He said last year, they were broke, thought about putting on a levy, decided not to put on a levy but cut back the chase car, added the chase car back at the end of the year and they got thru just fine. This year, they are broke again, they want more money, we haven’t put on a levy, the year is half gone and we are doing just fine and as far as he is concerned, we might not need anything – don’t know where we are going to go. Mr. Faulkner asked if this conversation took place after a meeting or during a meeting. Mr. Bray stated it was after the meeting. Mr. Wilcher stated the meeting he was at, Mr. Ruppert stated that anything less than a 3.04 mill levy would be a temporary solution to a big problem. Mr. Lewis stated that he thought that was what he had read in the minutes. Mr. Bray stated he must not have heard that.

Option 2 – Privatization of EMS

Mr. Lewis stated he met with two firms, both very forthcoming with information; could do for approximately \$700,000 – \$800,000 plus 15-25% added to the cost; estimated \$1,200,000 needed. We would also have to find a building for them to operate out of and they would work closely with the Fire Department.

Option 3 – Fire Based EMS

Mr. Lewis stated a levy is needed to provide Fire based EMS. We first recommended a 3.0 mill levy. After some questions were raised and were checked out, at our retreat, we recommended a 3.5 mill levy to provide EMS thru the first 10 years. We have in-house, supervisory staff; levy will generate \$733,000 along with the \$375,000 user fee. The 3.5 mill levy will cost a \$100,000

homeowner \$107.19 and the current 1.8 JEMS levy will come off – making the cost on a \$100,000 home \$76.33 a year.

The 3.04 mill JEMS levy will cost residents \$93.36 plus \$30.86 current 1.8 mill levy for a total of \$124.22 on a \$100,000 home.

Mr. Lewis noted that it will be cheaper for Franklin to provide the service; a 2.5 mill JEMS levy makes the amount to be paid by residents even; JEMS will have to do a lower levy (than 2.5 mill) to be cheaper than the City; and we haven't heard anything from the JEMS Board on what they are doing.

Mr. Lewis added that the question is, is it still worth it for our citizens, if the levy amount paid increases, to have Fire/EMS in the City.

Mr. Riddiough, JEMS Chief, stated that he understands that their option has been perceived as a Cadillac plan. He was asked to see where JEMS is at and what is needed – this addresses issues and to have a long term plan. Chief Riddiough questioned Mr. Ruppert not supporting the JEMS levy and that he will follow-up on that. This is needed to serve the community and his intent is for it to last 10 years. He added he hasn't worked out the numbers, but JEMS would be about \$20.00 more than the City's levy. A levy is the only fix. We have been asking the last couple of years about a levy, the Board decided not to do a levy and now the City is doing one. JEMS has made no decisions yet – have to protect and provide service. Want to provide the best service for the community.

Mr. Lewis stated we haven't heard anything negative about the job you're doing or JEMS – it is time for us to do something if we are going to; JEMS is a 1982 model; model now is Fire/EMS.

Chief Riddiough thanked Council for letting him speak.

Mr. Bray stated his concern is you're taking a \$1.2 million department and asking the voters, which the Board has voted down last two years not to do a levy, which you say you need and now you're saying you need to add another \$1.5 million, I know it will make your department great, but have to be reasonable. Chief Riddiough stated that is what he has proposed to the Board – what services or where do you want to make cuts- and he hasn't been given any direction.

Mr. Faulkner stated that staffing and the capital list are the 2 problems JEMS has. If the 1.8 levy was renewed, it would only generate approximately \$400,000. That would allow JEMS to hire a few additional people or buy an ambulance. That's why 3 mills is needed. JEMS has never bought a new ambulance – two of them are 12 years old.

Mr. Riddiough added, if you want your citizens to have the best we can provide, these numbers are needed.

Mr. Bray further questioned the numbers and the money for a new building & being frugal – current building does the job. Chief Riddiough stated the current building doesn't meet current

standards for sleeping quarters, restrooms/showers facilities, don't have sufficient office space or storage space; we have been frugal-been buying used equipment.

Mr. Wilcher stated how frugal do you want to be when you are talking about human lives - you can't put a dollar figure on saving lives. I think JEMS has been frugal and needs more money; if, in fact, you need more money (I think you do), the City's model is cheaper. You can't put a dollar amount on human lives. Chief Riddiough stated that JEMS has done as much maintenance as they can & we still are driving the same ole truck and it is going to die unless we do something. If you feel that my numbers are a cadillac, you haven't come to me to say why or come to the Board to say this is too much and you need to tone it down. I've made by recommendation based on 20 years of experience.

Mr. Bray asked what did the Board say when you made the recommendation in February for a 3.04 mill levy.

Chief Riddiough stated last year the Board said to take it to the Communities. When they voted, Carlisle said they would support the 1.8 mill or 3.04 mill levy, Franklin said no to either levy and the Township, who may need a fire levy, won't say to put on the levy until the City decides what direction it is going. Mr. Bray asked if they have said what they will do if the City levy fails. Mr. Riddiough stated his understanding is if it fails, JEMS will go forward with a 3.04 mill levy – this has not been said formally.

Mayor Lipps asked what the service model is for the surrounding cities. Mr. Lewis stated that Germantown and Trenton have Fire/EMS. Mr. Riddiough noted they had privatization companies before bringing in-house. Madison also has Fire/EMS. The JEMS model is not found in southwest Ohio – all have Fire/EMS. Mr. Bray asked about Springboro - Springboro's fire service is provided by Clearcreek Township.

Mr. Trammell stated that Madison and Trenton are having problems. He asked how many ambulances will we be; where will they be stationed; what are we getting for our money; how many people; need good people and willing to pay more for good service.

Chief Westendorf stated that, in our model, there will be 5 on duty to be increased to 9, with 4 additional part-time people. Existing personnel are EMT's and/or Paramedics; a Medical Director will be needed; protocol testing needed; will staff ambulance and fire equipment on duty– can shift personnel to meet needs; additional staff will be available to cover calls; operate on a volunteer basis and will have 5 full-time, 9 total, on duty at all times.

Mr. Trammell asked if the City will receive any ambulances/equipment from JEMS. Chief Westendorf stated that has to be worked out. The City will set money aside for replacement of ambulances/equipment.

Mr. Trammel asked where the ambulances will be housed at. Chief Westendorf stated at the firehouse. Money will be budgeted for another location if needed.

Mr. Lewis stated it will be a lean operation until we get going. We can't afford all new equipment – will look at used vehicles. We will have to be frugal.

Mr. Trammell stated he doesn't want to see the City asking for more money in a couple of years. Mr. Lewis stated that this will be good for 10 years; have a frugal Council; the ½% income tax asked for last year was the first since 1975; and people are important but promise to save money.

Mr. Hall stated an issue is that now the Fire Department personnel can't treat anybody legally but they are trained to do. Mr. Trammell stated that he didn't think the Good Samaritan law applied to EMS or Fire employees – it does. There was some discussion on this.

Mr. Lewis added that we will have to have mutual aid - but we will have better coverage.

Chief Riddiough stated they are trying to address the same issues.

Kim Peace, 385 Thomas Drive, stated she has an issue. In 2010, they had to call JEMS for her dad – they were out on calls at Carlisle and the Township – if the City was doing EMS, they could have responded sooner and maybe have saved her dad. JEMS is awesome but we need the service here.

Discussion continued on the current Fire personnel unable to provide medical service & the Good Samaritan law needs changed.

Mr. Faulkner asked about filling shifts as JEMS has problems. Chief Westendorf stated that we will be hiring additional people; most current employees are EMT/Paramedics; feel people want to come here to work; keep losing good people to Fire/EMS jobs; and grateful for current employees as they are very committed.

Mr. Faulkner asked about Paramedic staffing. Chief Westendorf stated that we currently have 3 and others are in training; goal is to be a Paramedic/EMT based model. Discussion continued on how many Paramedics are needed (one on each ambulance is goal).

Mr. Centers asked Chief Riddiough their plan. Chief Riddiough stated JEMS has a Paramedic on each ambulance and 1 in the supervisory position, when fully staffed; rely on part-time people, no incentive to work; struggling with staffing with part-time people, is a regional issue. Chief Westendorf stated we have current full-time staff that are or will be Paramedics.

Mr. Centers asked if we vote tonight to put a levy on – for the people to decide – what is your next step if it gets voted down. Chief Riddiough stated we continue to do as today and will go to the Board and ask for a 3.04 mill levy.

Mayor Lipps asked what happens if an ambulance responds, with no Paramedic. Chief Riddiough stated another ambulance with a Paramedic will respond or he will.

Mayor Lipps stated that this is a tough complex issue; this vote tonight takes the issue to the voters to decide – which service model they want.

Mr. Centers stated that the public seems not to understand that JEMS has a money problem also.

Chief Riddiough stated that there is going to be a levy – JEMS or the City.

Mr. Bray stated he has concerns; additional \$1.5 million is a lot of money; think we need to talk with the Township and Carlisle, to combine the JEMS/Fire Departments; tremendous cost; and need to talk about having joint departments.

Mr. Hall stated that he use to think that – have asked and asked – and they both said no. Because now we are letting the voters decide, they are stepping up and talking about it. It's time for the citizens to decide what model works best – training today is for Fire/EMS departments.

Some discussion followed.

Mayor Lipps added that the Township didn't want to talk joint district until we got a backbone to do something about this issue.

Mr. Faulkner stated he has been on the JEMS Board a long time; Joint District won't work as we don't have the same goals; JEMS is the busiest agency in the County; a Joint District will be costly; the Township or Carlisle haven't passed a levy in a long time; and time for us to take control of our destiny. Mr. Faulkner thanked Mr. Lewis for his work on this. He added Fire/EMS is the way to go – less expensive and better service – is the right thing to do.

Mr. Wilcher stated there may be things in the future to work with them on – need to take care of Franklin – best thing to do.

Mayor Lipps stated that the legislation tonight is to put the levy on the ballot for the residents to decide – to vote for the service model they want.

Mr. Hall made the motion to adopt Resolution 2012-25; seconded by Mr. Faulkner.

Mr. Faulkner questioned the ballot language- if it needs to be made simpler to understand and asked Mr. Lewis, Ms. Fisher and Chief Westendorf their opinion. Mr. Lewis stated he had no opinion on that. Ms. Fisher stated it has to be filed with Warren County Board of Elections by May 9<sup>th</sup> and it includes the language which will appear on the ballot. Chief Westendorf stated our efforts are going to be to educate the voters - don't think it matters.

The vote on Resolution 2012-25:

Mr. Faulkner	yes
Mr. Lipps	yes
Mr. Bray	no
Mr. Aldridge	yes
Mr. Hall	yes
Mr. Centers	yes
Mr. Wilcher	yes

Motion passed.

Mr. Centers stated he thinks we need to educate the public and to present unbiased facts for both.

Mr. Bray stated we need to ask the JEMS Board if they are going to be putting on a levy and the amount of the levy so we can provide comparison information for the residents.

Mayor Lipps stated that the JEMS Board meetings are open to the public – meet the 2<sup>nd</sup> Monday of the month at the JEMS Building.

Chief Riddiough stated that the Board will not do a levy to compete with the City. They will wait until they see the results of Franklin's levy and his recommendation is a 3.04 mill levy.

Mr. Faulkner added, per the Resolution, a Special Election on August 7, 2012 will be held.

#### CITY MANAGER'S REPORT

Mr. Lewis reported the following items are in your packet:

- Warren County Health Department information
- Miami Conservancy District Annual Report
- Police Department's Quarterly Report
- 2012 Water/Sewer Survey
- Public Works March 2012 Report
- Letter from Franklin Area Community Services asking for items for their on-line auction- the money goes to the food pantry

#### LAW DIRECTOR'S REPORT

Ms. Fisher reported on the following:

- Received a notice that Bistro's appeal hearing is set for May 8, 2012; the Attorney General's office represents the Liquor Board, they handle the appeal, and we have 3 police officers testifying on our behalf

#### COUNCIL COMMENTS

Mr. Centers stated there has been a meeting with Johnny Lamb and Gary Bates about combining the two events (car show & bike show). Mr. Lewis stated he was not aware of this.

Mr. Hall stated we need to look at having efile for tax forms online. Ms. Morgan noted that this is one of the goals of the new Income Tax Administer.

Mr. Wilcher stated to include Ms. Howard in our prayers; and that an elected official's job is to provide citizens with options & feel that is what we are doing tonight.

Mr. Aldridge thanked everyone for coming; now is the time to do EMS, going to have to do something, feel we will provide better service and that he can't believe Fire employees can't provide medical service.

Mr. Bray stated the Monte Carlo night held for Jake Blevins Scholarship raised \$3,156.00 – tremendous turn out, great event and thanks to all.

Mr. Faulkner thanked everyone for coming; great questions by Mr. Trammell and he is available if he has any more; the vote tonight is offering choices to the residents; this is the best for the residents; and thanks to staff on the reports.

Mayor Lipps thanked Mr. Hall, started the process 11 years ago on JEMS, I was on the Board 9 years ago and now Mr. Faulkner has been on last 7 years. Mayor Lipps continued he loves newly elected Mr. Wilcher's passion, nice serving with you, you care and have done a good job; today's Franklin Chamber meeting was fabulous, it was at the the Franklin Ridge Nursing Home and Howard Harville, Fire Chief from 1955-1982, was the special guest and there was a good turnout.

Mr. Hall made the motion to enter into executive session to discuss pending legal issues, with no action afterwards; seconded by Mr. Bray. The vote:

Mr. Lipps	yes
Mr. Bray	yes
Mr. Aldridge	yes
Mr. Hall	no
Mr. Centers	yes
Mr. Wilcher	yes
Mr. Faulkner	yes

Motion passed.

Mayor Lipps and members of Council entered into executive session to discuss pending legal issues, with no action afterwards, at 8:00 p.m.

Mr. Centers made the motion to exit the executive session; seconded by Mr. Aldridge. The vote:

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

Motion passed.

Mayor Lipps reconvened the meeting.

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

Mr. Aldridge	yes
Mr. Hall	yes
Mr. Centers	yes

Mr. Wilcher yes  
Mr. Faulkner yes  
Mr. Lipps yes  
Mr. Bray yes

Motion passed.

Mayor Lipps adjourned the meeting.

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Mayor

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Clerk of Council