

**FRANKLIN CITY COUNCIL
JUNE 18, 2012**

Members of the Franklin City Council met in regular session on Monday, June 18, 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	absent

There were 13 visitors and no one from the press at tonight's meeting. Also present: Mr. Jonathan Westendorf, Fire Chief; Mr. Russ Whitman, Police Chief; Ms. Donnette Fisher, Law Director; Mr. Sonny Lewis, City Manager and Mrs. Jane McGee, Clerk of Council.

The Pledge of Allegiance was led by Cayden & Kyndal Westendorf.

Mr. Faulkner made the motion to approve the Clerk's Journal and accept the tapes as the official minutes of the June 4, 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	absent
Mr. Centers	yes

Motion passed.

PRESENTATION: POLICE DIVISION AWARD

Chief Whitman presented the "Exemplary Performance Award" to Officer Diekman. Lieutenant Bowling nominated him for the award for discovering the February 5, 2012 fire at Sun Chemicals.

Mayor Lipps, on behalf of the citizens of Franklin, congratulated and thanked him for his service.

RECEPTION OF VISITORS

Joe Harris, 425 Mission Lane, Apartment 403, addressed Council on the following: thanked Council for repaving Mission Lane; recent graffiti on the Church sign and a car on Mission Lane,

graffiti becoming an issue around the City; and deterioration of the City, i.e. a Church on Hill Street, the building next to the Food Pantry, and asked if the City has any building enforcement codes.

Mr. Bray stated that the City is applying for a demolition grant and working on several residences to be fixed.

Mr. Harris also stated that by the Harding House, a raccoon is living in the sewer – don't know if that is a problem.

Mr. Centers stated that we contract with NIC for enforcement of codes and if he sees something, he needs to contact Mr. Lewis.

Mr. Harris stated that the vandalism is his main concern. Mr. Faulkner stated that Chief Whitman can address that. Chief Whitman stated that one adult and 2 juveniles have been caught for the recent vandalism.

Mr. Lewis added that if a car was vandalized, it needs to be reported to the police. A lot of residents have not reported the vandalism as their deductibles are higher than the repair cost and those that did the vandalism should be responsible. Mr. Harris stated that Mike, at Harding House, Apt. 102 had his car vandalized.

Mayor Lipps stated that as far as deterioration of downtown, they (NIC) know to be watching for things we have codes for, but this time of year, lot of time goes to property conditions, i.e. peeling paint and grass. We have 40 properties at this time with high grass.

Mrs. Betsy Westendorf addressed Council on behalf of Special Events. She stated the 4th of July Parade theme is 'Red, White & Splash' and there is no festival this year. She noted the following about the parade:

- Splash zones will be along the parade route
- Adding a new award for the Fire Departments – who makes the biggest splash
- Chief Russ Whitman will be walking this year in the parade as he lost the dunk contest last year
- Grand Marshall is the Franklin Varsity Cheerleaders
- Also, need a judge – Mr. Faulkner will help judge the floats

Mr. Centers stated that Susie Estes would like to be a member of the committee.

Ms. Sandy Black, 241 Scholl Road, stated she was here to speak on behalf of Mr. Carl Bray. When the recent vandalism happened on Elaine, Mr. Bray went to every house and spoke with the residents to assure them.

Ms. Debby Davis, 810 Michaels Drive, stated she has a couple of issues. On nights when there is a concert at JD Legends, cars park on both sides of Millard Drive, and it is hard to get through the street. Also, cars were parked blocking her driveway Saturday night & cars have also parked in her yard.

Mr. Centers stated that this has been talked about before; they do have parking at Walmart and asked what can be done.

Mr. Wilcher stated he had a similar report from residents on John Street today. He asked if maybe signage is needed and to talk with Charlie.

Mr. Lewis stated there are regulations for parking; your driveway should not be blocked or parking in your yard & she should call the Police when this happens; is a safety issue and that this is a City issue, not Charlie's responsibility. Mr. Lewis asked the Chief to step up enforcement in this area.

There was discussion on the parking in this area on concert nights.

Ms. Davis thanked Mr. Bray for the couple of times she's called and he resolved issues.

Mr. Bray stated he appreciated them contacting him about the vandalism - would not have known about it- it was terrible, a lot of damage done – all I could do was to talk to the residents, tell them we're sorry and that we are going to get on this.

Mr. Aldridge asked what punishment the adult, who was caught, will receive in the recent vandalism. Chief Whitman stated will depend on his past history and we are establishing a list of the victims.

Ms. Fisher stated she has talked to Mr. Bray about this. The victims need to contact the Warren County Victim Witness Program and they will walk you thru the process and also, the State has a Victim of Crime Funds if you can't get restitution, you are eligible to apply for restitution under the program.

Mr. Bray stated he had been asked about the juveniles, how to hold the parents responsible. Ms. Fisher stated that the juvenile trials won't be open to the public, but this program can help with keeping you informed.

Mayor Lipps asked when was the last time that Charlie, a City representative and owner of the Marsh's lot have talked. Mr. Centers stated he talked with him (Bill) about a year ago – and didn't go anywhere. Mr. Bray added when we – Jim, Charlie, & Juan - talked a couple of years ago and he said no. Mayor Lipps stated a couple of years ago, that the tenants asked to be able to have cars parked there & we approached if we could rent the lot for charity – \$2.00 a car, money going to a different charity, i.e. Food Pantry, Rotary Club, in Franklin and they said no. Mayor Lipps stated maybe we need to open up talks again. He added he can only wish that that complex needed something from the City so we can tell them to kiss our a** (the owners of Marsh's lot). Mr. Lewis stated he talked to Charlie about it this year (did not approach the owners of Marsh's lot) and he said the past meetings have been pretty hostile. Mayor Lipps stated he didn't think they would work with Charlie; that the City would have to be the conduit and don't know if it would work.

PUBLIC HEARING ORDINANCE 2012-10 DETERMINING TO PROCEED WITH THE IMPROVEMENT OF CITY STREETS AND PUBLIC WAYS BY THE LIGHTING THEREOF FOR THE YEAR 2013

Mr. Lewis stated that this is part of the street lighting process and is the second of three steps. Legislation will be back in August which will be the ordinance levying the assessments.

Mayor Lipps 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 2012-10; seconded by Mr. Centers. The vote:

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

Motion passed.

PUBLIC HEARING ORDINANCE 2012-11 AMENDING CHAPTER 921 OF THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO, TITLED "DISCHARGES INTO THE WASTEWATER TREATMENT PLANT"

Mr. Lewis stated that the new NPDES permit issued by the EPA for the Franklin Regional Wastewater Treatment Plant requires us to update our ordinance. After the ordinance is passed, there is a 45 day public comment period before the final approval of the NPDES permit.

Mayor Lipps 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. Bray made the motion to adopt Ordinance 2012-11; seconded by Mr. Aldridge. The vote:

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

Motion passed.

RESOLUTION 2012-31 AMENDING RESOLUTION 2012-12, AUTHORIZING POSITION TITLES AND THE NUMBER OF POSITIONS FOR EACH TITLE FOR THE CITY OF FRANKLIN PERSONNEL FOR 2012

Mr. Lewis stated that the Charter allows for an unclassified position in the Safety Department. This changes the job description for the 'Secretary to the Safety Director' to 'Assistant to the

Safety Director' and is a part-time position. This has been discussed with the Safety Committee and they approved the position.

Mr. Lewis added that the Police Department has been operating with 2 Lieutenants; considered changing the command structure to 2 Lieutenants and 4 Sergeants; reversing that decision and going back to 3 Lieutenants and 3 Sergeants. With the retirement of Captain Coulton, this resolution eliminates the Captain's position and adds the Assistant Safety Director position. We feel this will help the Police Department and with other issues. This position will save money and is the best way to go at this time.

Mr. Faulkner stated that this is a good opportunity to use Ross's skills but would like to see the Captain's position back in the future.

Mr. Lewis added that this will move the department forward; he will help with administrative duties and will put more people on the street.

Mr. Aldridge stated, his question at the Safety Committee meeting was, if he will maintain his police powers and he will.

Mr. Lewis stated yes, he will also be sworn in as a Reserve Police Officer – will have all powers of a police officer.

Mr. Centers asked if he will wear a uniform and what will his rank be. Mr. Lewis stated, yes, he will wear a uniform and will be the Assistant Safety Director. He will also carry a fire arm.

Discussion followed why this position is being created – why not bring him back as Captain (can't because of his retirement); if he can wear a uniform, and what his rank will be (Chief Whitman stated he has no problem with him keeping his rank, his title will be Assistant Safety Director); this is the same situation as when Mr. Rockwood was appointed Safety Director; will help Mr. Lewis as directed by him; will have authority over police & fire employees; primary duties with police & zoning issues; and how the position will work with other departments and the chain of command.

Mayor Lipps asked Chief Westendorf if there are any concerns from the Fire Department about this position. Chief Westendorf stated no.

Mr. Faulkner made the motion to adopt Resolution 2012-31; seconded by Mr. Wilcher. The vote:

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

Motion passed.

RESOLUTION 2012-32 AMENDING THE POSITION DESCRIPTION FOR THE UNCLASSIFIED POSITION OF ASSISTANT/SECRETARY TO THE SAFETY DIRECTOR

Mr. Lewis stated that this amends the job description for Secretary to the Safety Director to Assistant to the Safety Director.

Mr. Bray made the motion to adopt resolution 2012-32; seconded by Mr. Aldridge. The vote:

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

Motion passed.

INTRODUCTION OF NEW LEGISLATION

Mr. Faulkner introduced: Ordinance 2012-12 Providing for the Election on Amendment to Section 8.04(a) of the Charter of the City of Franklin, Ohio.

Mr. Faulkner introduced: Ordinance 2012-13 Providing for the Election on Amendment to Section 4.10 of the Charter of the City of Franklin, Ohio.

Mr. Faulkner introduced: Ordinance 2012-14 Providing for the Election on Amendment to Section 3.12 and Section 4.09 of the Charter of the City of Franklin, Ohio.

Mr. Faulkner introduced: Ordinance 2012-15 Extending the Moratorium on the Establishment or Commencement of Operations of "Internet/Sweepstakes Cafes" or Similar Uses until June 30, 2013

Mayor Lipps stated the first three ordinances go together and referred to Ms. Fisher.

Ordinance 2012-12: Ms. Fisher stated the Charter requires that it shall be reviewed every 5 years by a Charter Review Commission. In 2007, the Commission recommended several amendments that did not make the ballot. In 2011, the Charter Review Commission met and is recommending proceeding with the recommendations that have not made the ballot yet except for Ordinance 2012-12. This amendment will remove the requirement that not more than three members of the Civil Service Commission be of the same political party. Ms. Fisher noted that we do have problems with staffing this board.

Ordinance 2012-13: Ms. Fisher stated we have several technical codes that are passed by reference and that 3 copies are to be kept and available for sale. These codes can be accessed online now and this reduces the number to 1 copy and removes that we have copies for sale.

Ordinance 2012-14: Ms. Fisher stated that this is a housekeeping item. It clarifies 'the book' is the "Clerk's Journal".

Mr. Bray asked Ms. Fisher to explain the request from the Warren County Board of Elections. Ms. Fisher stated that the former Board of Elections Director wanted us to amend the Charter from 75 to 90 days for filing ballot issues to match State law. The Committee felt that it should be kept at 75 days.

Ordinance 2012-15: Ms. Fisher stated that the City currently has a moratorium on internet/sweepstakes cafes that expires August 31, 2012 and we were waiting to see if HB 195 passed. The State did pass HB 386 which put a statewide moratorium on these issues until June 30, 2013. This matches what the State has done.

Public Hearings on Ordinance 2012-12, 13, 14 & 15 will be held at the July 2, 2012 Council meeting.

CITY MANAGER'S REPORT

Mr. Lewis reported on the following:

- Memo from Ms. Morgan on current tax collections in the packet
- Franklin Area Historical Society newsletter in the packet
- Warren County Health Department newsletter in the packet
- Also, a concern of mine is that the Franklin Library is contemplating a name change to the Franklin Springboro Library. Feel that it should remain the Franklin Library and encouraged Council to contact the Library Board members about the name to stay as it is. Mrs. Westendorf, a member of the Library Board, stated that this was discussed several years ago when they were considering a levy, because of an identity problem, to change the name to the Franklin Springboro Library. The reasoning was for legal purposes because of the ballot. The legal name is the Franklin Library. She stated she felt that it should stay as is or be a regional name as it includes Springboro, Carlisle & Franklin. Ms. Westendorf stated current board members are Denise Griffin, Steve Runge, Suzanne Edwards, Jane Jones, Tonya Lee and herself and she will provide contact info to be forwarded to Council.

LAW DIRECTOR'S REPORT

Ms. Fisher reported on the following:

- Signed a MOU with the firefighters waiving the \$2.00/hr additional fee for providing EMS for the remainder of the contract & the next 3 year contract
- In 2007, a former employee quit before we could fire him. We have been fighting with the State over unemployment compensation benefits; the Court just ruled in our favor that we are not responsible for the unemployment charges.

COUNCIL COMMENTS

Mr. Faulkner thanked everyone for coming tonight; Debby and Sandy, thanks for coming; congrats to Quincy Pearson for receiving Firefighter of the Year for Warren County; and JEMS meeting Monday night and the pre-election drama has started.

Mr. Centers stated he'd like to see the Charter amended to allow for a 2 year term for the Mayor; participated in a bike run for the Historical Society of Preble County and they made \$24,000 in registration fees, we need to consider something like this.

Mr. Aldridge thanked everyone for coming tonight; asked with the recent vandalism if we are enforcing the curfew (we are); asked who is responsible for patrolling the bike path (the City is) as he has seen some questionable incidents (Chief Whitman stated he will inform the officers).

Mr. Wilcher congratulated Officer Diekman on his award; thanks to Ms. Davis & Ms. Black for attending tonight; thanked Mr. Harris for bringing the issues to our attention and Ms. Perry wanted me to ask when the mobile speed sign would be back on her street.

Mr. Bray stated in regard to the recent article in the newspaper, that he disagreed with it and will have his due process in Court; great job & thanks to the Police Department in regards to the Elaine incident (recent vandalism); trash everywhere at I-75/SR 123 Interstate exchange; and asked Council what they want to do for the 4th of July parade – Mr. Bray will get 6 golf carts, each will get their own candy and a sign is also needed for Mr. Wilcher. Mr. Faulkner added that you can also walk with the float for the levy campaign.

Mr. Centers noted that when trucks are coming under I-75, on SR 123, into town and have to turn left, there is no turn light – need one as traffic backs up there. Mr. Lewis stated this is a State signal – will contact them when the traffic is back to normal.

Mayor Lipps thanked everyone for coming; need a 2 year term for Mayor, one year is confusing and not long to accomplish things (Ms. Fisher stated no charter amendment is needed); attended the Chamber Annual Banquet today hosted by Atrium Hospital, 78 people in attendance, awards presented to: VRI – Industry of the Year, Franklin Rotary Club & Franklin High School – Maxwell Award, Designing Digitally - Business of the Year, Kenny Allen - Citizen of the Year; and a Good Neighbor Award was presented to Fred Pursley, hired by the Chamber in 1964, by Mr. Lewis and myself.

Mr. Centers noted that he obtained a \$5.00 bill that said Franklin National Bank, Franklin, Ohio and is signed by H.S. Conover - very neat to see.

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

Mr. Hall	absent
Mr. Centers	yes
Mr. Wilcher	yes
Mr. Faulkner	yes

Mr. Lipps yes

Mr. Bray yes

Mr. Aldridge yes

Motion passed.

Mayor Lipps adjourned the meeting at 7:28 p.m.

Vice Mayor

Clerk of Council