

FRANKLIN CITY COUNCIL
MARCH 18, 2013

Members of the Franklin City Council met in regular session on Monday, March 18, 2013, 6:00 p.m. at the Franklin City Building, Vice Mayor Hall 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 were 5 visitors and no one from the press at tonight's meeting. Also present: Ms. Donnette Fisher, Law Director; Mr. Russ Whitman, Police Chief; Mr. Jonathan Westendorf, Fire Chief; Ms. Sandra Morgan, Finance Director; Mr. Don Woods, Zoning Official; 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 Jonathan Westendorf.

Vice Mayor Hall explained that the reason he is chairing the meeting tonight is that the Mayor has been on vacation and just got back into town before tonight's meeting.

Mr. Faulkner made the motion to approve the Clerk's Journal and accept the tapes as the Official Minutes of the March 4, 2013 regular meeting; seconded by Mr. Aldridge. The vote:

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

Motion passed.

RECEPTION OF VISITORS

There were none tonight.

PUBLIC HEARING ORDINANCE 2013-05 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRANKLIN, OHIO, TO REZONE THE PROPERTY LOCATED AT 602 S. RIVER STREET FROM C-3, "CENTRAL COMMERCIAL DISTRICT," TO C-2, "COMMUNITY COMMERCIAL DISTRICT"

Mr. Woods stated that this has been to Planning Commission. This rezones the property located at 602 S. River Street from C-3, Central Commercial, to C-2, Community Commercial. This will allow the continued use of the property as an auto repair service. Mr. Sheppard, the owner of the property, is present tonight.

Vice Mayor Hall opened the Public Hearing and asked for any public comments.

Mr. Doug Greathouse stated he lives across the street from 602 S. River Street and supports the rezoning.

There being no further comments, Vice Mayor Hall closed the Public Hearing and asked for any Council comments. There were none.

Mr. Bray made the motion to adopt Ordinance 2013-05; seconded by Mr. Centers. The vote:

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

Motion passed.

PUBLIC HEARING ORDINANCE 2013-06 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRANKLIN, OHIO, TO REZONE THE PROPERTY LOCATED AT 1124 AND 1126 S. MAIN STREET FROM R-3, "CENTRAL RESIDENTIAL DISTRICT," TO C-2, "COMMUNITY COMMERCIAL DISTRICT"

Mr. Woods stated that this has been to Planning Commission. This ordinance rezones 1124 & 1126 S. Main Street from R-3, Central Residential, to C-2, Community Commercial. The property is owned by Mr. Dale Barkalow. This will allow the continued use of the properties as a commercial use (Fairway Lawn).

Vice Mayor Hall opened the Public Hearing and asked for any public comments. There being none, Vice Mayor Hall closed the Public Hearing and asked for any Council comments.

Mr. Faulkner asked if it makes sense to have a commercial zoned property in a residential area. Mr. Woods stated that Planning Commission did discuss that & C-2 zoning was established for that – is a conditional use and if the property is sold, the new owner has to go to Planning commission.

Mr. Centers made the motion to adopt Ordinance 2013-06; seconded by Mr. Faulkner. The vote:

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

Motion passed.

PUBLIC HEARING ORDINANCE 2013-07 ENACTING SECTION 751.12(D) OF THE CITY OF FRANKLIN INCOME TAXATION CODE

Ms. Fisher stated that this came from a recent case in the Franklin Municipal Court. In the past, the Court accepted property tax and utility records as proof of residency. In a recent case, the Court said that these records were no longer sufficient proof of residency. This ordinance shifts the burden to the person who claims they don't owe income taxes because of not being a resident. The ordinance states that non-

residency may be proved by the person's federal tax return, state tax return, voter registration records, Bureau of Motor Vehicle records or any other official State or Federal record. The Finance Committee has reviewed and approved this amendment.

Mr. Centers asked if any other communities are doing this. Ms. Fisher stated she doesn't know; this is how we decided to solve the issue. Since this ruling has been made, it will apply to all future cases. This shifts the burden to the person to prove non-residency.

Mr. Centers added he thinks it will open up a loop hole. Mr. Aldridge stated he has no problem with this – will save work for our employees.

Vice Mayor Hall opened the Public Hearing and asked for any public comments. There being none, Vice Mayor Hall closed the Public Hearing and asked for any Council comments. There were none.

Mr. Faulkner made the motion to adopt Ordinance 2013-07; seconded by Mr. Wilcher. 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.

EMERGENCY ORDINANCE 2013-08 PROVIDING APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF FRANKLIN, OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2013

Mr. Lewis stated that this was discussed tonight at the Finance Committee meeting. He noted the following:

- 2013 temporary budget was passed in November which expires March 31, 2013; this is the final budget
- Includes the wage increases for non-union employees; slight increase in Police Department, at full staffing now
- Transfers for the Wortley Building purchase & street paving program
- Tiff fund – appropriated \$700,000+ since we don't know cost of the 3rd lane on Second Street project
- Water Department - \$100,000 in Improvement Fund; generator from Water Treatment Fund
- Paying off the Bond anticipation note of \$582,000, majority of money to pay the note will come from the Storm Water Utility Fund
- Sewer Fund – watching closely, \$700,000 balance; trash collection in good shape
- Good news – City income tax monies – good so far coming in – slight increase seen in each month

Mr. Faulkner stated this is a good budget and we are doing what we said during the levy campaign. Mr. Faulkner also complimented Ms. Morgan on the budget document.

Mr. Faulkner made the motion to adopt Ordinance 2013-08; seconded by Mr. Bray. 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.

RESOLUTION 2013-12 STRONGLY OPPOSING THE PASSAGE OF HB 5 BY THE OHIO GENERAL ASSEMBLY, WHICH PROPOSES UNIFORMITY MEASURES FOR MUNICIPAL INCOME TAX THAT WILL RESULT IN UNFUNDED MANDATES AND A SUBSTANTIAL LOSS OF REVENUE TO THE CITY OF FRANKLIN

Ms. Morgan stated that this is the same legislation that Council passed opposing HB 601 – now it is HB 5. They have added language to HB 5 but it is still the same. The City will lose approximately \$400,000+ if it is passed. Ms. Morgan handed out information that shows the effects of HB 5 on local communities and the areas of the bill that are revenue neutral.

Ms. Fisher added that HB 601 had 3 sponsors – HB 5 has 2 sponsors.

Mr. Faulkner asked how our local representatives feel about HB 5. Mr. Lipps stated they say it is revenue neutral – is very confusing.

There was some discussion on the proposed changes.

Mr. Bray made the motion to adopt Resolution 2013-12; seconded by Mr. Wilcher. The vote:

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

Motion passed.

CITY MANAGER’S REPORT

Mr. Lewis reported on the following:

- Moving Ohio Forward program information in packet - houses to be demolished
- 2012 Police Department yearend report in packet
- 1913 Flood Books are available now at \$20.00 each; waiting on the markers to install showing the 1913 flood levels
- sent out 6 letters in regards to Mr. Hall’s request from the last meeting
- It’s that time of year for complaints with the weather changing – please let us know of any
- Clarified an issue that came up at the Planning Commission - Talbot House putting in a half-way house downtown. That is not true. They are looking at Conover Drive & want to do health care for kids, focusing on dental care; think this is good for Franklin; would like permission to do a letter of support for them as they are trying to get grant money; talked to Warren County Health Commissioner and he is very excited about this. Mr. Centers asked how they will advertise (Mr. Lewis stated he is talking with them about this); Mr. Lipps added a lot of research has been done; Mr. Bray voiced some concerns. Mr. Lewis noted that Carlisle has already done a letter of endorsement; also, they are in need of board members from our area.

LAW DIRECTOR'S REPORT

None tonight.

COUNCIL COMMENTS

Mayor Lipps thanked Mr. Hall and he had a great trip.

Mr. Centers stated he won't be at the next meeting; and they were doing a good job picking up trash.

Mr. Aldridge thanked everyone for coming tonight; good job by the guys picking up trash & signs and that he has been removing signs along the roadway in the Harpland area. Mr. Lewis noted that we will be picking up signs once a month, on Saturday's, as they seem to be showing up on the weekends.

Mr. Wilcher thanked everyone for coming tonight; signs are all over Harpland; and spring is here, property maintenance time of year – need to stay on top of it to try & make City look better.

Mayor Lipps asked when the 11 houses will be torn down and who will control the property, deed & taxes after that. Mr. Lewis stated target date is last of April/first of May and the current owner of the property. Mr. Bray asked about the Maholtra property – it is on the list.

Mr. Faulkner asked when are Council pictures (April 15th); to include him on the order for a 1913 Flood book; he is participating in the Real Money Program at the High School and has been asked to participate on the Advisory Committee of Parents for the school district.

Vice Mayor Hall asked if the turn lane at the Park is supposed to have a guard rail (Mr. Lewis stated no, but he will look at it); door to door vendors, how do we know if they have registered with the City? Mr. Lewis stated he sends an email out to Council when a permit has been issued and the person should also have a signed permit with them.

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

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

Motion passed.

Vice Mayor Hall adjourned the meeting at 6:58 p.m.

Mayor

Clerk of Council