

**FRANKLIN CITY COUNCIL  
JULY 1, 2013**

Members of the Franklin City Council met in regular session on Monday, July 1, 2013, 6:00 p.m. at the Franklin Municipal Building, Vice Mayor Todd Hall presiding.

Roll call showed:

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

Pledge of Allegiance was led by Russ Whitman, Police Chief.

Mr. Bray made the motion to approve the Clerk's Journal and accept the tapes as the official minutes of the June 17, 2013 regular meeting; seconded by Mr. Aldridge. The vote:

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

Motion passed.

**PRESENTATIONS:**

**MIAMI CONSERVANCY DISTRICT - BRENDA GIBSON, PUBLIC RELATIONS MANAGER**

Ms. Gibson stated that 2013 is the 100<sup>th</sup> Anniversary of the 1913 flood. To commemorate and remember the 1913 events, MCD has published a book "A Flood of Memories". She presented each Council member a copy of the book.

All of Council thanked her.

**INTRODUCTION OF NEW POLICE DISPATCHER - CHIEF WHITMAN**

Chief Whitman introduced the newly hired Dispatcher Shannon Poules to Council.

Council welcomed her to the City of Franklin.

**RECEPTION OF VISITORS**

None tonight.

NOTICE TO LEGISLATIVE AUTHORITY OF NEW LIQUOR PERMIT APPLICATION - JDF LLC (A & G PIZZA) HAS APPLIED FOR A NEW D3 PERMIT (ISSUED TO RESTAURANTS TO SELL SPIRITUOUS LIQUOR ON PREMISES UNTIL 1 A.M.)

Ms. Fisher stated that A & G Pizza has applied for a D-3 liquor permit which allows restaurants to sell liquor until 1 a.m. The Police Department has done a check and there are no issues and staff has no issues.

Vice Mayor Hall stated that the owners are present tonight and that they run a good business. Mr. Aldridge asked if they are going to extend their hours. Mr. Fouts, owner, stated they might be.

There being no motion made to request a hearing, this will be returned that the City does not request a hearing.

PUBLIC HEARING RESOLUTION 2013-31 ADOPTING THE TAX BUDGET OF THE CITY OF FRANKLIN, OHIO, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2014, AND SUBMITTING IT TO THE WARREN COUNTY AUDITOR

Ms. Morgan stated that this is done each year and has to be adopted by July 15<sup>th</sup>. This is required for the City to receive its Certificate of Estimated Resources which has the amounts of property tax and local government funds the City will receive.

Vice Mayor Hall opened the Public Hearing and asked for any public comments. There being none, he closed the Public Hearing and asked for any Council comments. Mr. Faulkner stated that this was reviewed & approved by the Finance Committee tonight.

Mr. Faulkner made the motion to adopt Resolution 2013-31; seconded by Mr. Wilcher. The vote:

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

Motion passed.

RESOLUTION 2013-32 AMENDING THE POSITION DESCRIPTIONS FOR CHIEF BAILIFF, CHIEF PROBATION OFFICER, AND PROBATION OFFICER AND ADOPTING A POSITION DESCRIPTION FOR DEPUTY BAILIFF WITHIN THE FRANKLIN MUNICIPAL COURT

Ms. Fisher stated that this provides a job description for the Deputy Bailiff and updates the job description for the Chief Bailiff. Also, it updates the Chief Probation Officer and amends the Probation Administrative Assistant job description to Probation Officer. Judge Ruppert and Belinda Hurley, Chief Probation Officer, are present tonight and have reviewed the proposed changes.

Mr. Bray made the motion to adopt Resolution 2013-32; seconded by Mr. Centers. The vote:

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

Mr. Wilcher    yes

Mr. Faulkner    yes

Motion passed.

RESOLUTION 2013-33    AMENDING RESOLUTION 2013-24, AUTHORIZING POSITION TITLES AND THE NUMBER OF POSITIONS FOR EACH TITLE FOR CITY OF FRANKLIN PERSONNEL FOR 2013

Mr. Lewis stated that this increases the number of full-time Municipal Court Clerks from 5 to 6 and eliminates the part-time Clerk. This also includes the changes made by Resolution 2013-32 that was just approved. The budgetary impact is in the memo. Judge Ruppert is present to answer any questions.

Mr. Faulkner stated that recently when you were lobbying to be a full-time Judge, you made the statement when asked about additional staffing needed, that this change is something you'd want to make. Since that hasn't happened, why still?

Judge Ruppert stated correct. What happen was with the moving up of the current part-time Clerk to the full-time position, he did a review of her hours over the last 3 years and other part-time employees before that. He found that the part-time Clerks averaged over 30 hours per week for years and approximately 33 hours a week last year. We only work 37 ½ hours a week. He feels this is unfair, should have come to Council before this. Judge Ruppert added that he feels it is unfair to work someone 33 hours per week and not give them benefits. That is wrong, regret that this wasn't done sooner and want to correct an injustice.

Mr. Faulkner stated in the Finance Committee meeting tonight, we discussed Obama Care and how it will affect part-time employees & the cost of health care. Concern is, understand that this is your prerogative to do & is an administrative formality for us, the precedent being set by doing this (to make them full-time because they work 30+ hours). We don't have the luxury of doing this for the part-time employees across the street – is setting precedent when we treat one set of part-time employees differently from others.

Judge Ruppert stated he doesn't know how many part-time employees are working in excess of 30 hours per week, in a year. Vice Mayor Hall noted there are employees in the Fire Department. Judge Ruppert stated you could hire more part-time firefighters. Judge Ruppert continued he feels it is not fair because if we need her for that many hours, we can use the other couple of hours and also help cover vacation, sick leave & personnel leave days off by the other employees. Judge Ruppert stated the best answer you can give is: The Court is autonomous and he determines staffing levels. It is clear from the Ohio Supreme Court, the City has to comply with the request of the Judge unless it's unreasonable and arbitrary. Given the hours that are worked, feel it is fair to do. You will have to address the firefighter issue.

Mr. Bray stated he looked at his too – feel this is a different situation as is only one employee. The Fire Department has multiple employees – can justify one employee – can't 20-30 employees. Mr. Bray added he doesn't think any other departments, besides the Fire Department, is going to be impacted.

Judge Ruppert added that the first draft of the Court Study is done & questioned whether they were really here or not as there were lots of errors in the report. He has responded to it and they are revisiting it. Their first choice is a County Court, to build a new facility and the entities to share in the costs. Judge Ruppert stated he does not support that. The study's four recommendations are: have a County Court; combine Lebanon with County Court and make Franklin a full-time Court; eliminate County Court & have Franklin & Lebanon full-time courts; have County Court and one satellite Court in Franklin.

Judge Ruppert thanked Ms. Fisher for her time on the job descriptions.

Mr. Bray made the motion to adopt Resolution 2013-33; seconded by Mr. Aldridge. The vote:

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

Motion passed.

#### CITY MANAGER'S REPORT

Mr. Lewis reported on the following:

- Need a Council member to help judge the floats in the 4<sup>th</sup> of July Parade – Mr. Wilcher volunteered

#### LAW DIRECTOR'S REPORT

Ms. Fisher reported on the following:

- There is a memo on the podium about petitions for forfeiture in tax foreclosure cases. We have been notified that there are six parcels of land within the City that have been advertised and offered for sale on two separate occasions but weren't sold. Because they weren't sold, the Prosecutor certified this to the Court and the Court has notified us that the parcel may be forfeited upon petition. After review of the properties, there are two properties that we have filed petitions on. We will have to pay any outstanding tax bill. A Resolution will be on the next Council agenda to obtain these properties.

Mr. Lewis stated that Mr. Abbott is here and has paved his driveway – looks nice and great job.

#### COUNCIL COMMENTS

Mr. Centers stated he did not have any comments tonight.

Mr. Aldridge thanked everyone for coming tonight; congratulations to Don Woods on his recent retirement and thanked him for his years of service to the City; and thanks to Carl for his work on making us a Purple Heart City.

Mr. Wilcher stated he meet with the West Mackinaw Association & commended Chief Whitman & Officer Smith for setting it up. It's a good group, trying to make the community safe and hope it spreads to other parts of the town. Also, can't believe when businesses come into town that they don't take care of their property – don't understand it, several eye sores, i.e. Shell at corner of Poplar, Sunoco at SR 123, White Castle, all need cleaned up.

Mr. Bray stated he has arranged for golf carts for the July 4<sup>th</sup> Parade – need to pick them up at 9:15 a.m. at the Golf Course. He asked how many are needed and each Council member needs to provide their own decorations, etc.

Mr. Faulkner thanked everyone for attending; Finance Committee met tonight and reviewed the tax budget, will have supplemental ordinance on the next Council agenda, looking at ways to deal with

part-time employees & health care costs; discussed how to make a difference downtown and need to do a review of the Comprehensive Plan and questioned if a work session is needed to discuss.

Mr. Lewis added we also talked about having a work session before a Council meeting.

Mr. Centers stated there are a lot of good things in the Comprehensive Plan – all comes down to money.

Mr. Aldridge asked about the possibility of a 2-way Main Street.

Mr. Bray stated we have some money – need to look at the Comprehensive Plan.

Mr. Bray added, for your (Council) information, he is working with PERS on retirement, and they are changing retirement benefits in 2014 – told don't qualify for health insurance unless make \$12,000 a year.

Judge Ruppert added something to consider for the downtown. A community up north has several empty store fronts and had art students paint murals on windows. It was very attractive, better than hanging paper on the windows. We could use High School students as they have to do community service. Judge Ruppert added that it is regrettable about the PERS health insurance coverage. All of you have put in a lot of time, maybe you can consider raising your salaries and donating back to the City.

Vice Mayor Hall stated the only way downtown is going to change is to quit talking about it and start doing it; before I get off Council, going to get it started – time to go and fix downtown. Also, NIC needs to look at 459 & 469 Greenup Court – in back yard – not mowed, brush, trees, etc overgrown.

Ms. Fisher updated Council on the Farmer's Market – won't be able to do this year as we only had one vendor, got too late a start. We are starting to plan for next year.

Mr. Centers stated there is a tree behind Runge's Law Office with a limb that is broken off; great idea by Judge Ruppert to paint the store windows; and need to revisit the Downtown Improvement Fund – need to use for paint, windows, etc. – and questioned if the Finance Committee needs to discuss.

Mr. Faulkner stated that has been beat to death at Finance Committee – should be a Council decision.

Vice Mayor Hall stated we need to do something.

Mr. Centers stated we need to do aesthetic work – smaller scale Downtown Improvement Fund.

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

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

Motion passed.

Vice Mayor Hall adjourned the meeting at 6:50 p.m.

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Mayor

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Clerk of Council