

**FRANKLIN CITY COUNCIL  
AUGUST 1, 2016**

Members of the Franklin City Council met in regular session on Monday, August 1, 2016, at 6:00 p.m. at the Franklin Municipal Building, Mayor Denny Centers presiding.

Roll call showed:

Brent Centers	present
Carl Bray	present
Paul Ruppert	present
Denny Centers	present
Michael Aldridge	present
Debbie Fouts	present
Todd Hall	present

There were two members of the press (Middletown Journal & Franklin Chronicle) and one visitor at tonight's meeting. Also present: Mr. Russ Whitman, Police Chief; Mr. Steve Inman, Public Works Director; Mr. Barry Conway, City Engineer; Ms. Donnette Fisher, Law Director; Mrs. Karen Ervin, Finance Director; Mr. Sonny Lewis, City Manager and Mrs. Jane McGee, Clerk of Council.

The Pledge of Allegiance was led by Mayor Centers.

Mr. B. Centers stated the minutes need corrected as he voted yes, did not abstain, on Ordinance 2016-15.

Mr. Aldridge made the motion to approve the Clerk's Journal and accept the tapes as the Official Minutes of the July 18, 2016 regular meeting as amended; seconded by Mr. Ruppert. The vote:

Mr. Bray	yes
Mr. Ruppert	yes
Mayor Centers	yes
Mr. Aldridge	abstain
Mrs. Fouts	yes
Mr. Hall	abstain
Mr. B. Centers	yes

Motion passed.

**RECEPTION OF VISITORS**

There were no visitor comments tonight.

**ORDINANCE 2016-08 PUBLIC HEARING LEVYING ASSESSMENTS FOR THE IMPROVEMENT OF CITY STREETS AND PUBLIC WAYS BY THE LIGHTING THEREOF FOR THE YEAR 2017**

Mr. Lewis stated that this is the last step in the process of the street lighting assessments for 2017. The total cost for 2017 is \$152,005.00 and the City share is 2%, \$3,040.00.

Mayor Centers 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 2016-08; seconded by Mr. B. Centers. The vote:

Mr. Ruppert	yes
Mayor Centers	yes

Mr. Aldridge yes  
Mrs. Fouts yes  
Mr. Hall yes  
Mr. B. Centers yes  
Mr. Bray yes

Motion passed.

LIQUOR PERMIT TRANSFER A D-1 (BEER FOR CARRY OUT) AND D-2 (WINE AND MIXED BEVERAGES FOR CARRY OUT) PERMIT FROM SHREE ANIKA, INC., DBA SUNOCO FOOD MART, TO KRISHNA KANAIYA, INC., DBA SUNOCO FOOD MART FOR THE PREMISES LOCATED AT 6900 STATE ROUTE 123

Chief Whitman stated there is nothing to attest.

Mayor Centers asked if this is a change or transfer in name. Chief Whitman stated it is a transfer in name. Mayor Centers asked if we haven't done this a couple of times already for the same location. Chief Whitman stated it's been done every four years.

Mr. Bray stated he has brought this up at Finance Committee meetings, been in (the office) and talked about it and went to all the carry outs in town. This is to avoid paying taxes by foreigners who buy the gas stations/hotels, etc. The government has made laws that says they don't have to pay taxes for 4 years as long they have a new owner. They have transferred this from their daughters name to their son's name to their cousin's name. The Shree Anika, Inc. is not the owner. They hide their name, they live in Springboro. He talked to Hiren Patel, he lives in Springboro and he's turning it over to his cousin who is Yogesh Patel – he still owns the building and the business has never paid taxes. He went back to 2004 and they have changed the name in 2008, 2012 & 2016. Mr. Bray stated he has put a phone call into Shannon Jones. We change the liquor license so they don't have to pay taxes. Our government has to stop this – needs to change and he is voting no on this.

Mayor Centers stated he feels the same way but this is not a local issue, have talked about before and there is not much we can do about it.

Mr. Bray stated he didn't know if it is a State issue or a Federal issue. Mrs. Fouts asked if they are here legally. Mr. Bray stated he didn't know and when he went into the store today and asked who the new owner is, they said they didn't understand. They own both the Sunoco & Wendy's; he did finally talk to someone at Wendy's and he said he still owns the building but puts the business into another name.

Mr. B. Centers asked if we vote no, they can keep the liquor license but will have to pay taxes. Mr. Bray stated they haven't done anything wrong – it's the system that needs to change. Mr. Bray stated, as was talked about today, if we vote no on this, it goes thru an appeal process and there's no reason for the State to deny them the liquor license.

Discussion continued.

Ms. Fisher stated we don't get to say yes or no on any liquor permit – that's controlled at the State level. They send us the notice for whether or not we request a hearing. We have requested hearings in the past – for example, excessive calls to the police; is it detrimental to the neighborhood/community. If those kind of problems exist, we can request a hearing and she's never seen one contested for this reason. She agreed with Mr. Bray, it's a Federal program and they are following those procedures.

Mayor Centers stated he agrees with both of you but if we don't stand up and say no, it will never be looked at. We need to request a hearing and let them know we are losing money because of this loop hole and he's going to vote no also.

Mrs. Fouts asked if they are paying City taxes. Mr. Bray stated he checked today and it's all family members. Mrs. Fouts stated there's a business in town who follows all the rules of living in the U.S. and it upsets them when they see this going on. As a business owner, it upsets me too.

Mr. Bray stated they follow the rules which are different for them.

Mayor Centers stated maybe we need to start it here tonight and other municipalities will follow – bring it to someone's attention and maybe some changes will start.

Mr. Ruppert asked about any constitutional conflicts.

Ms. Fisher stated she didn't think so. We can request a hearing and tell the Liquor Board we oppose the transfer because we think they are doing this to avoid paying taxes. They will listen and then approve the transfer.

Mayor Centers stated that's fine – but at least we did our part. Ms. Fisher added we aren't notifying the right people. The Division of Liquor Control can't change it (the law). We need to contact the State legislators. Mayor Centers asked Ms. Fisher to prepare a letter stating our concerns to send to our legislators. Ms. Fisher stated she'll do a letter saying we are in support of Federal programs that benefit minority business, but when you are allowing them to be abused as we're seeing it abused, then it affects us at the local government level. Mr. Ruppert stated that the constitutionality he's worried about, minority business. Ms. Fisher stated she doesn't think anybody here opposes those types of programs, but if they are being abused, the City is providing services, and there is no City tax being paid to help provide the services.

Mr. Aldridge stated he doesn't have a problem with a minority business owner following the program for 4 years, but don't be the same owner and transfer the name to continue – that's abusing the system. Mr. Bray stated he checked with the Water Department and it's been in the same name the last 15-20 years. Mayor Centers added that the liquor license has changed every 4 years. Ms. Fisher stated that they create a new company and they certify that company with the Secretary of State. Mr. Bray stated he printed out information from the Secretary of State's website on the new company.

Mayor Centers stated consensus of Council is for Ms. Fisher to prepare a letter to be sent to our State Legislators. Mayor Centers stated that Council is not in support of this liquor license transfer – everyone agreed.

There was discussion on whether a vote on the transfer of the liquor license is needed.

Mr. Bray asked Ms. Fisher what will be required of her to do this. Ms. Fisher stated if you request a hearing, will request it to be held in Warren County. Ms. Fisher stated will probably be 3-4 months until the hearing is scheduled. A hearing officer from Columbus will come for the hearing. We present our case, written documentation etc. Her concern is if she says we are opposing this because we think they are doing this transfer to oppose paying taxes; he's going to say that's not one of the listed reasons in the ORC you can oppose it for. I'm going to have to say, I know. Mr. Bray stated he doesn't want her to look like an idiot in front of them. Ms. Fisher stated she doesn't want them mad at the City of Franklin and then the next time we have a problem with a bar that needs closed down, they see it's the City of Franklin requesting a hearing and says, it's them again.

Discussion continued.

Ms. Fisher stated she's appealing this on something that is not a legally allowed reason for it to be appealed. Discussion continued on reasons to appeal and Ms. Fisher explained the reasons. Mr. B. Centers asked if there is an umbrella reason, i.e. other offenses, etc. Ms. Fisher asked what is the other

offense. There are doing things legally, no laws are being broke. Mr. Hall stated we need to contact the Department of Taxation – the Liquor permit is not the issue, problem is they are cheating the system. Mrs. Fouts stated she thinks it is all connected. Mr. Bray stated we need to contact our legislators – they are the ones who have to change the law. Discussion continued and Ms. Fisher explained the process. Mr. Aldridge asked what happens if we oppose it. Ms. Fisher stated we can oppose it. I don't want you to get the expectation that if we say to the Department of Liquor Department that we oppose this, we think they are doing this to avoid paying taxes that they are going to be able to do anything about it. Mr. Aldridge stated he just wants it documented that we are against this each time it comes up and then maybe we get the attention of the legislators. Ms. Fisher stated that is where the change has to happen (legislators).

Discussion continued. Mayor Centers stated it is a tax loop hole and we need to bring it to someone's attention and hopefully others will do the same. It is costing us money, we provide services to them but they don't pay taxes to us. That's wrong. Mayor Centers added he doesn't think the Liquor Board will have a problem with us bringing this to their attention. He asked Ms. Fisher how much time & trouble is it to request a hearing. Ms. Fisher explained the process; will request the hearing to be held at Warren County (Administration Building) and will be 3-4 months before it is scheduled. Mayor Centers stated it shouldn't cause a problem with the Liquor Board because we request a hearing.

Mayor Centers asked Council how they want to proceed.

Mr. Hall made the motion to request a hearing on the liquor permit transfer; seconded by Mr. B. Centers. The vote:

Mayor Centers	yes
Mr. Aldridge	yes
Mrs. Fouts	yes
Mr. Hall	yes
Mr. B. Centers	yes
Mr. Ruppert	yes
Mr. Bray	yes

Motion passed.

Ms. Fisher stated you can contest it but don't know if there is anything that they (Liquor Board) can do about it. She agrees with Mr. Bray, calls need to be made to the State Representatives as that is where the change will have to come from.

#### RESOLUTION 2016-36 AUTHORIZING THE PURCHASE OF DE-ICING SALT FROM THE DETROIT SALT COMPANY THROUGH THE WARREN COUNTY JOINT SALT PURCHASING PROGRAM

Mr. Lewis stated that the salt is bid through the Warren County Joint Salt Purchasing Program. The following bids were received by the May 24, 2016 closing:

American Rock Salt Company	\$69.00/ton
Compass Minerals America	\$65.20/ton
Morton Salt	\$58.52/ton
Cargill Deicing Tech.	\$58.25/ton
Detroit Salt Company	\$58.00/ton

This Resolution authorizes the purchase of salt from Detroit Salt, the low bid, and we estimate our need at 3,000 tons. This is a good bid and company. Mr. Hall asked if our salt bin has been fixed. Mr. Lewis stated yes, it has.

Mr. Hall made the motion to adopt Resolution 2016-36; seconded by Mr. Aldridge. The vote:

Mayor Centers	yes
---------------	-----

Mr. Aldridge yes  
Mrs. Fouts yes  
Mr. Hall yes  
Mr. B. Centers yes  
Mr. Bray yes  
Mr. Ruppert yes

Motion passed.

**RESOLUTION 2016-37 AUTHORIZING THE CITY MANAGER TO EXECUTE THE THREE-YEAR COLLECTIVE BARGAINING AGREEMENT WITH THE IAFF, LOCAL 3742**

Mr. Lewis stated that the union approved the tentative agreement on July 27, 2016 and it is the same as what was presented to Council. The agreement includes the following:

- Sick leave - new, lower accrual rate for full-time employees hired after 10/11/15
- Promotion - except for current employees, a Lieutenant must have a paramedic certification for 2 years before sitting for a Captain's exam. Also, a Firefighter must be Paramedic certified to become a Lieutenant
- Insurance – increase in employees premium contribution: 14% in 2016, 14 ½% in 2017, 15% in 2018
- Wages – for 2016, agreed to a new step system with 4 steps for the Captain; 8 steps for the Lieutenant; and 8 steps for both the Firefighter-Paramedic and Firefighter-EMT positions. For 2017, 2% increase and for 2018 a 2% increase
- Overtime – agreed that a full-time employee must take at least 12 hours off duty after working 2 tours in a row (48 hours) for safety reasons, except in cases of emergency

Mayor Centers stated that we all agreed to the agreement.

Mr. Bray made the motion to adopt Resolution 2016-37; seconded by Mr. Hall. The vote:

Mrs. Fouts yes  
Mr. Hall yes  
Mr. B. Centers yes  
Mr. Bray yes  
Mr. Ruppert yes  
Mayor Centers yes  
Mr. Aldridge yes

Motion passed.

**INTRODUCTION OF NEW LEGISLATION**

Mayor Centers introduced the following legislation:

Ordinance 2016-09 Amending Certain Sections and Enacting Section 333.151 of the City of Franklin Traffic Code to be Concurrent with State Law through September 16, 2016

Ordinance 2016-10 Amending Sections 753.03(k), 753.05(a) and 753.09(a) of the City of Franklin Income Tax Code

Public Hearings will be held August 15, 2016.

**WORK SESSION: COMMUNITY POOL**

Mayor Centers stated this is being continued from the last meeting as he wanted everyone present for the discussion. Also, he hoped everyone has the information that Mrs. Fouts put together. Mayor Centers

stated we are talking about the community pool and the possibility of rebuild/replacement or whatever is decided. He went out to the pool (other Council members have also) and it is in serious need of the concrete being resurfaced; question if any piping needs replaced, pumps and what kind of additions do we want – i.e. a splash pad, sand beach volley ball.

Mr. B. Centers stated he has talked to people in the Township & their opinion is they are willing to chip-in, they don't want to just repair, they want additions to the pool. He also agrees with this. Also, he will be meeting with someone at Carlisle as they have talked about a splash pad at Roscoe Roof Park about a year ago. He asked Council if they would consider, if we let Carlisle have resident rates at the pool, which they don't have now, if they will chip-in some money towards our pool if they don't proceed with the splash pad. In return we will give them resident rates for the pool since they don't have a community pool. Mr. B. Centers asked Council if they would be in favor of doing that. Mayor Centers stated he thinks that is a great idea. Mr. B. Centers asked about corporate sponsors, maybe put signs on the fence, and think the community wants involved. Mayor Centers added we can ask for donations also. Mr. Bray asked if that has been done in the past. Mr. Lewis stated that has never been done. Mr. Aldridge stated that baseball had talked about that in the past, thinks there is a policy of no signage in the Park and he'd hate to see temporary signs hanging up as we have big plans for the Park. Mr. Lewis added it's been a problem in the past and that's why we have the policy.

Mr. Hall stated there's different ways to do that, maybe do a plaque (with slide in name plates), inside the building and it can be changed if need be and it will be seen when you come in. Mr. Lewis agreed that's the way to proceed. Mayor Centers stated it appears we want to proceed with selling advertising and asked if we can do that. Mr. Lewis stated the Park & Recreation Board would do that, not Council. They are now looking at a scoreboard that would have advertising on it, that can be easily changed. Mr. Hall stated should not put anything on the fence, because of where the pool is located, you wouldn't be able to see if anyone was inside the pool at night; biggest concern is concrete and painting the pool. There's a lot of things that need upgraded. The Health Department's biggest concern is the concrete.

Mayor Centers stated he agrees, the concrete is horrible. Let's assume that will be taken care of and asked what else do we want to see there. He'd also like to see a slide and/or splash pad. Mr. B. Centers stated with the splash pad, if it breaks, its maintenance is underground. Mr. Aldridge asked if the kiddie pool area is big enough for that. Mr. Hall stated it could be expanded, and also have the back side of the pool. Mr. Aldridge asked about the possibility of making a zero entrance pool. Mr. Hall stated he did not know how that would be done. Discussion followed on a zero entrance pool.

Mayor Centers stated he'd like to set up a sub-committee to work on this. Mr. Ruppert stated also need to include someone from the Park Board. Mr. B. Centers & Mrs. Fouts stated they would like to be on the sub-committee. Mrs. Fouts stated if we do this right and market it, the pool should pay for itself – as the Miamisburg pool pays for itself. Mayor Centers stated that money is an issue, and without a levy, don't know if we can have that kind of pool that will pay for itself. Mr. Aldridge asked if the Miamisburg pool makes money. Mr. Lewis stated he doesn't know, but it is expensive. Mr. Hall stated he doesn't know of any pool that makes money. Mr. Lewis stated we haven't talked to anyone that has said their pool makes money. Mayor Centers stated we either have to keep it or get rid of it and he thinks everyone wants to keep the pool as well as the surrounding area. It's time to fix the pool. Mayor Centers stated Mr. Hall, Mrs. Fouts and Mr. B. Centers will serve on the committee and also a member from the Park Board. Mayor Centers also asked Mr. Lewis to schedule the committee meeting. Mr. Lewis stated he thinks we should wait until the pool closes and suggested we get a pool company to come in to see what's needed, approximate cost and any other information. Also, need to include someone from the Township, maybe Traci, their Administrator. The agreement we have with them says costs are split 50/50. If we want to take this on ourselves, we'll have to pay for it all. Mayor Centers stated he doesn't think we want to do that and Mr. B. Centers has been in contact with Brian (Township Trustee) and he's shown an interest in helping with this. Mr. Hall stated that Mr. Ron Ruppert might also want to be on the committee. Mayor

Centers added that the shower rooms need upgraded; may have to bid projects separate; and like to see a splash pad also. Mrs. Fouts stated she'd also like to see sand volley ball.

Mr. Ruppert asked what kind of response we get from Springboro. Mr. Hall stated, yes they do come in, also the Springboro Day Care comes to the pool, as well as residents from several other cities.

Mr. Ruppert asked if the entire Township residents should have the same privileges as City residents do. Mr. Hall & Mr. Lewis stated that they do have the same privileges. There was discussion if Carlisle is included; needs to be affordable; and pool rates. Mr. B. Centers stated he talked to Stephanie about the costs. Mrs. Fouts stated that on the website it says that Carlisle is included on the resident rate. Mr. Lewis stated yes, they are included except for the part that is in Montgomery County.

Mayor Centers stated we need to address the pool and that the sub-committee needs to meet.

#### CITY MANAGER'S REPORT

Mr. Lewis reported on the following:

- On State Route 123, beginning August 8<sup>th</sup> the road will be closed for 10 days as the culvert is being replaced
- CDBG bid for Moore & Beam was opened and the low bid was \$152,000, lower than what we thought it would be; we have set aside money for this project and this is a good price; and might be able to do all the street since the bid is low

Mayor Centers asked, as he came into town today the traffic on SR 123 was backed-up, and he'd never seen it that bad. Mr. B. Centers stated he thinks that traffic coming out of the Park caused the back-up. Mr. Ruppert stated there are traffic counters all over the City. Mr. Lewis stated yes, ODOT is doing traffic counts all over town.

#### COUNCIL COMMENTS

Mr. Ruppert asked if there is an update on the Wells. Mr. Lewis stated we are doing tests every week and asked if we can take Well 6 off of it. Mr. Inman stated we can do Well #7 once a month and Well #6 is once a week.

Mr. Hall stated at 68 Hemlock, up from Dr. Chamberlin's office, the patch that Duke did needs fixed as it is sinking.

Mr. B. Centers asked for a copy of the documents being sent to the State in regards to the liquor license hearing.

Mrs. Fouts asked about the impound lot. Mr. Lewis stated a certified letter has been sent as he's not answering our calls and have posted the property for weeds. Mrs. Fouts added it looks bad. Mrs. Fouts also questioned the status of the house, down from the JR High School, which is all boarded up and has high weeds. Mr. Lewis stated he didn't know. Mrs. Fouts asked if there are any plans for the old laundromat. Mr. Lewis stated we are working with someone, maybe for a restaurant. Mayor Centers added he thinks we should tear it down and clean it up. Mrs. Fouts asked if it had a drycleaners. Mr. Lewis stated no, it did not. Mayor Centers stated if it doesn't work out with the person of interest, need to proceed with tearing it down. Mr. Lewis stated we are waiting to see if the State has demolition money available for this year.

Mr. Ruppert stated he received a note from a family about the 4<sup>th</sup> of July – how nice it was and sure other citizens thought the same way.

Mr. Aldridge thanked everyone for coming tonight.

Mr. Bray stated he meet with Mr. Mears, no time yet for the troops coming home, and it may be Wednesday.

Mayor Centers stated he received a letter about the Boxboard from the neighbors, about how bad it is. Also, asked Council to consider the following – Council hasn't had a raise for a long time, if we proceed with a raise for Council, it won't take effect until after the next election and we would all get it. Ms. Fisher explained the process and that this is also being discussed by the Government Affairs Council Committee. Their next meeting is August 15, 2016 at 4:30 p.m.

Also, received information on the bike path, it had been opened and it says we need legislation and is from the State of Ohio Transportation – asked if anyone knows about this. Mr. Lewis stated to get him that information and he'll check on it. Mayor Centers asked if the striping on Riley Boulevard is temporary and when will it be done. Mr. Lewis stated it was done last Friday.

Mr. Ruppert asked if there has been any interest from contractors on the senior housing project and if Henkle Schuler is interested. Mr. Lewis stated, yes, have interest from contractors and that Henkle Schuler is interested – 4 acres towards the housing project.

Mayor Centers stated he had a comment on how well our City Government works, no bickering, etc.

Mrs. Fouts made the motion to adjourn; seconded by Mr. Aldridge. The vote:

Mr. Hall	yes
Mr. B. centers	yes
Mr. Bray	yes
Mr. Ruppert	yes
Mayor Centers	yes
Mr. Aldridge	yes
Mrs. Fouts	yes

Motion passed.

Mayor Centers adjourned the meeting at 7:15 p.m.

---

Mayor

---

City Clerk