

**FRANKLIN CITY COUNCIL  
AUGUST 15, 2016**

Members of the Franklin City Council met in regular session on Monday, August 15, 2016, 6:00 p.m., at the Franklin City Building, 1 Benjamin Franklin Way, Franklin, Ohio 45005.

Roll call showed:

Brent Centers	present
Paul Ruppert	present
Carl Bray	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 3 visitors at tonight's meeting. Also present: Ms. Donnette Fisher, Law Director; Mr. Jonathan Westendorf, Fire & EMS Chief; Mrs. Karen Ervin, Finance Director; Mr. Steve Inman, Public Works Director; Mr. Barry Conway, City Engineer; Mr. Ross Coulton, Assistant Safety Director; Mrs. Myra Haney, Administrative Assistant; Mr. Sonny Lewis, City Manager and Mrs. Jane McGee, Clerk of Council.

The Pledge of Allegiance was led by Chief Russ Whitman.

Mr. Hall made the motion to approve the Clerk's Journal and accept the tapes as the official minutes of the August 1, 2016 regular meeting; seconded by Mr. Bray. The vote:

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

Motion passed.

**RECEPTION OF VISITORS**

There were no visitor remarks.

**ORDINANCE 2016-09 PUBLIC HEARING 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**

Ms. Fisher stated that this is our twice yearly update to the Traffic Code and is concurrent through September 16, 2016 with State law. The following sections are amended: 331.21, 331.22, 331.28, 331.151, 335.01, 335.07, 335.19, 335.20, 339.08, 341.01, 373.08 and 373.13. Section 331.151 is a new section, "Immobilization Waiver Orders; Prohibitions". Most of the changes are minor and added a definition for "auto cycle". Mayor Centers asked what an auto cycle is. Ms. Fisher stated it is a 3-wheel motorcycle that has safety belts, a steering wheel, no handle bars, and a seat to sit in, you do not straddle or sit astride it. Mr. Aldridge asked if a motorcycle endorsement is needed. Ms. Fisher stated it isn't

needed, they are excluded. Mayor Centers asked if it is allowed on the bike path. Ms. Fisher stated no, it isn't allowed.

Mayor Centers opened the Public Hearing and asked for any public comments. There being none, he closed the Public Hearing.

Mr. Ruppert made the motion to adopt Ordinance 2016-9; seconded by Mrs. Fouts. The vote:

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

Motion passed.

ORDINANCE 2016-10 PUBLIC HEARING AMENDING SECTIONS 753.03(K), 753.05(A)  
AND 753.09(A) OF THE CITY OF FRANKLIN INCOME TAX CODE

Ms. Fisher stated the new income tax code that was required by HB5, effective 1/1/16, has been amended by the State with the passage of Senate Bill 172 and House Bill 182. The changes are: Section 753.03(k) income can't be taxed under the new JEDD laws; Section 753.05(a) changes the filing dates for quarterly withholding payments and Section 753.09(a) for payments submitted electronically, the date of the timestamp assigned by the first electronic system receiving the payment is now the date the payment was made. Ms. Fisher noted that the last whereas in the ordinance questions the legality of certain provisions of the State-mandated code. Also, we hear the State will be taking over all City income tax payments by the end of the year and charging a 3% administrative fee monthly.

Mayor Centers opened the Public Hearing and asked for any public comments. There being none, he closed the Public Hearing.

Mr. Bray made the motion to adopt Ordinance 2016-10; seconded by Mr. Aldridge. The vote:

Mayor Centers	yes
Mr. Aldridge	yes
Mrs. Fouts	yes
Mr. Hall	no
Mr. B. Centers	no
Mr. Ruppert	no
Mr. Bray	yes

Motion passed.

Mr. Ruppert asked if/when the State mandates the takeover of the income tax collection, should we get someone to look at the constitutionality of it. Ms. Fisher stated the OM Attorney Association and the OML is already doing this. The State CPA Association is pushing this along with the State wide Chamber of Commerce. They are being told that cities are killing businesses, can't afford to open a business in Ohio because of how municipalities do their income tax. The State Tax Commissioner is also pushing this as it expands his domain in addition to receiving the administrative fee. Ms. Fisher added we receive updates from the Ohio Municipal League and will forward to Council. Also, we need to contact our Senators/Representatives before the end of the year.

RESOLUTION 2016-34 ACCEPTING THE RESIGNATION OF SHARON GAMBILL-LEVINE FROM THE CITY OF FRANKLIN CIVIL SERVICE COMMISSION AND APPOINTING BRIAN SLEETH TO FILL THE VACANCY

Mr. Lewis stated that he has talked with Ms. Sharon Gambill-Levine and she doesn't want to continue due to personal issues. Mr. Sleeth stated he was interested in serving, have worked with him before and he will be a great asset.

Mrs. Fouts made the motion to adopt Resolution 2016-34; seconded by Mr. B. Centers. The vote:

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

Motion passed.

RESOLUTION 2016-38 APPROVING AND SUPPORTING THE DEVELOPMENT AND DESIGNATION OF U.S. BICYCLE ROUTE 25

Mr. Lewis stated that this is the information that Mayor Centers referred to at the last meeting. Mr. Conway and Miss Fisher have reviewed it. The American Association of State Highway and Transportation Officials are designating U.S. Bicycle Routes across the country, including Ohio. No construction, no cost to us, ODOT will install and supply the signs and then we are responsible for them.

Mayor Centers asked if the route will be on the bike path. Mr. Lewis stated no.

Discussion followed on if this is the current bike path and if there will be markings on the road. Mr. Lewis stated he doesn't think it has anything to do with markings on the road, just signs. Ms. Fisher stated the information came from the State and think it is the existing bike path. After some discussion, consensus is that this is referring to the existing bike path.

Mr. Ruppert asked if we do a bike path in the Park, will it connect with our current bike path. Mr. Lewis stated eventually it will. We have a field meeting in the next several weeks on the bike path that will connect Baxter Drive with Middletown. Mayor Centers asked when it will be completed. Mr. Lewis stated he thinks 2020 and did say we would be interested if monies become available earlier. Mr. Lewis explained the City goes thru MVRPC and Middletown goes thru OKI for funding. Mayor Centers asked where Middletown is on this project. Mr. Lewis stated their engineering is done and we will be involved in the field meeting coming up.

Mr. Ruppert made the motion to adopt Resolution 2016-38; seconded by Mr. Bray. The vote:

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

Motion passed.

RESOLUTION 2016-39 AUTHORIZING THE PURCHASE OF A POLICE CRUISER FOR THE POLICE DIVISION THROUGH THE STATE PURCHASING PROGRAM AND THE EQUIPPING OF THE SAME

Chief Russ Whitman stated this is for the purchase of one 2016 Dodge Charger police cruiser through the State Purchasing Program, at a cost of \$25,123.00. The cost of equipping the cruiser is \$16,758.78 and the monies are included in the 2016 Police budget.

Mayor Centers asked if this is the first Charger to be retired. Chief Whitman stated no, it is the second one.

Mr. B. Centers asked if any equipment can be salvaged from the cruiser being replaced. Chief Whitman stated, no, as we are keeping that vehicle.

Mr. Bray questioned the cost of equipping the vehicle - \$29,000 is usual cost. Chief Whitman stated we are cutting corners, getting radar units from the County and are replacing the VCR's as we are going digital.

Discussion continued on how long radar units will last (don't know); if this is a 4-wheel drive vehicle and if we still need the bigger 4-wheel vehicles (This is an all-wheel drive vehicle, have three-4 wheel vehicles and three all-wheel vehicles currently: the 4-wheel vehicles are assigned to the canine team, Sgt. Wolf who is assigned to the SWAT team and Lt. Massey).

Mr. Hall made the motion to adopt; seconded by Mr. Aldridge. The vote:

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

Motion passed.

RESOLUTION 2016-40 ESTABLISHING THE RATES FOR SOLID WASTE, RECYCLING AND YARD WASTE COLLECTION IN THE CITY OF FRANKLIN FOR THE PERIOD FROM OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2017

Mr. Lewis stated that this is the third year of a 3 year contract with Rumpke. The rate is an increase of \$0.35; administrative fee remains the same at \$2.71, for a total cost of \$15.89. All other rates remain the same. Mr. Lewis added that they do a great job working with staff and the customers. We also have three – 1 year extensions and there's a provision that they can't raise the cost for fuel costs.

Mr. Ruppert made the motion to adopt Resolution 2016-40; seconded by Mrs. Fouts. 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.

RESOLUTION 2016-41            CREATING A COMMUNITY POOL STUDY COMMITTEE AND APPOINTING THE MEMBERS THERETO

Ms. Fisher stated from the discussion at the last meeting, this allows and creates this Committee. There are 5 voting members and the City Manager and Township Administrator are non-voting members. The members are: Brent Centers, Debbie Fouts, Todd Hall, Franklin City Council representatives; also need a Franklin Township Representative & Franklin Parks & Recreation Commission representative.

Mayor Centers stated Brian Morris will be the Township representative and Jeff Johnson the Parks & Recreation Board representative. He has talked with both and they agree to be on the committee.

Mr. B. Centers made the motion to adopt Resolution 2016-41; seconded by Mr. Hall. The vote:

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

Motion passed.

Mayor Centers stated that a Chairman is needed; consensus of Council agreed Mr. Hall will be the Chairman.

RESOLUTION 2016-42            APPOINTING MEMBERS TO THE CITY OF FRANKLIN CHARTER REVIEW COMMISSION

Mayor Centers stated he has contacted the following and they have agreed to serve on the Charter Review Commission.

Appointed to the Charter Review Commission:

Wilbur DePew            Betsy Westendorf  
Lee Dunlap                Matthew Wilcher  
Bob Knipper

Mr. Hall made the motion to adopt Resolution 2016-42; seconded by Mr. Bray. The vote:

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

Motion passed.

RESOLUTION 2016-43            AMENDING RESOLUTION 2016-11 AND ESTABLISHING THE ORGANIZATION LISTINGS AND PAY RATES FOR THE CITY OF FRANKLIN OFFICIALS AND EMPLOYEES FOR THE YEAR 2016

Mr. Lewis stated that this amends the salary rates for the firefighters, per the contract as approved by Council. The Captain's position goes from 3 steps to 4 steps; the Lieutenant's position goes from 4 steps

to 8 steps; the Firefighter/Paramedic goes from 4 steps to 8 steps and the Firefighter/EMT is a new position with 8 steps.

	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	<u>Step 8</u>
Captain	21.94	22.26	22.60	22.94				
Lieutenant	18.65	18.93	19.21	19.50	19.79	29.09	20.39	20.69
Firefighter/Paramedic	15.00	15.23	15.45	15.69	15.92	16.16	16.40	16.65
Firefighter/EMT	13.00	13.20	13.39	13.59	13.80	14.00	14.21	14.43

Mr. Lewis added the firefighters have voted to accept the contract.

Mr. Bray made the motion to adopt; seconded by Mrs. Fouts. The vote:

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

Motion passed.

**INTRODUCTION OF NEW LEGISLATION**

Mayor Centers introduced the following legislation:

Ordinance 2016-11           Amending the Official Zoning Map of the City of Franklin, Ohio, to Rezone Out Lot 774, located at 972 S. Main Street, from R-4, Multi-Family Residential District, To C-2, Community Commercial District

Public Hearing will be September 19, 2016.

**CITY MANAGER’S REPORT**

Mr. Lewis reported on the following:

- Grinding started today on the streets included in the summer street paving project
- Proceeding with the concrete for the sidewalk replacement project
- Field meeting for traffic signals, Phase 2, that we received a grant for
- Field meeting on the bike path – from Baxter Drive south
- ODOT doing traffic counts
- On SR 123 – supposed to be done by the end of the week
- Curbs on Beam & Moore, should start within the next couple weeks
- Franklin Boxboard update – Chief Westendorf & Mr. Conway met with Chris Logan and personally gave him the letter about the property violations (which he had denied) – will start process of legal proceedings as nothing has been done; told him if he removed the cars out of the right-of-way, we would work with him; and will not work with him on the condition of the building and high grass, that’s not acceptable

Mayor Centers stated the cars are from ADESA and he’s receiving money for them being stored there; asked if he still says he’s going to demo the building. Mr. Conway stated yes, but have no date. Mr. Lewis stated he also, has talked with him on the phone, no definite date to tear it down. Mayor Centers asked if we can fine him and how much is the fine. Ms. Fisher stated the maximum fine is \$150.00/day.

## LAW DIRECTOR'S REPORT

Ms. Fisher reported on the following:

- Charter Review Committee – Asked Council to let her know of any changes, comments, etc. and she will also check with Planning Commission, BZA & Civil Service Commission – will be meeting by the end of the year
- Attended the OM Attorney's Association meeting again this year; discussed 1<sup>st</sup> draft of sign regulations and expect to get final draft by the end of the month – first of month; will have new sign ordinance coming; pan handling regulations need updated also; and will have something to you about the ads that are thrown in the yards within the next couple months
- In process with the Civil Service Committee of updates to the personnel policy and job descriptions
- SOB (Sexually Oriented Business Ordinance) will need updated, having it reviewed now

## FINANCE DIRECTOR'S REPORT

Mrs. Ervin stated the audit is back and it is clean audit – did have some verbal comments.

## COUNCIL COMMENTS

Mr. Hall stated he hated it rained for the Car Show, did have some cars, and Gary does an outstanding job; need to look at downtown, have places that have issues, need to address, houses & businesses. Mayor Centers stated he agrees, and asked if NIC is doing an adequate job, as he sees places that need fixed up. Mr. Lewis stated yes, they do on property maintenance, and they try to work with the people. They do take property owners to Court, and, as a whole, he thinks they do a decent job. Mayor Centers asked if they still do a report. Mr. Lewis stated yes, they do. Mayor Centers stated he would like to see the report. Mr. Lewis stated he will send it out. Mr. Lewis explained they can only address what they can see; can't go on the property unless the owner says it is okay; and think they do a decent job for the money we pay them.

Mr. Aldridge asked about the duplex in front of JD Legends. Mr. Lewis stated a letter has been sent, told them they have until 9/1/16, and that the bottom apartment has to be commercial, not residential. Mrs. Fouts added she also has had comments about the property. Mr. Ruppert asked if it is covered under a nuisance law. Mr. Lewis stated he does not know. Ms. Fisher stated the biggest issue is they are in violation of what the zoning says it can be used for. We can site them into Court for the penalties, \$150/day from the date the violation started. If this doesn't work, then we can file against them in County Court for what they are doing. Mr. Lewis added we are watching it.

Mr. Hall asked Chief Whitman about a car that has flat tires, at the property on the lower part of David Blvd. Chief Whitman stated he has talked to him and will check on it.

Mrs. Fouts stated the Marsh's sign is gone – is there anything going on there? Mr. Lewis stated before he left, was told a local businessman bought it, and he needs to confirm it. He had talked with the realtor and told him to make sure he checks on the zoning.

Mrs. Fouts commended the Police for the job they do at the JD Legends concerts and she enjoyed the cars at the Car Show.

Mr. Aldridge thanked Mr. Sleeth for volunteering to serve on the Civil Service Commission. Also, congrats and thanked the Police Department – they do great things all the time and glad that they have been recognized for what they do.

Mr. B. Centers stated the Police Department story is trending on Facebook – he’s proud of the Department. Also, great job on the audit to Mrs. Ervin; welcome and thanks to Brian Sleeth for volunteering to serve on the Civil Service Commission; and on last Tuesday morning, his daughter was born and all the calls and messages are much appreciated.

Mr. Ruppert stated he recently talked with a Councilman from Cincinnati and he said congrats on the recognition the Police Department received and said we should be proud and to keep up the good work.

Mr. Bray stated he agrees with the Police Department recognition; thoughts and prayers to Peggy; and welcome to Brian Sleeth, you’ll do a great job. It rained about 6:30 p.m. Saturday for the car show, had about half of the crowd and cars; and the troops came back, didn’t find out until the day before, was emotional and the City was praised for doing this – thanks to the City and Schools for helping with this.

Mayor Centers stated that the 324<sup>th</sup> is having a picnic at the Park and Mr. Mears asked if they can swim for free at the Pool – all agreed. Also, ‘welcome aboard’ to Mr. Sleeth. Ms. Fisher stated that the sale did go thru on Marsh’s on August 4<sup>th</sup> and the owner is listed as Music Limited Partnership. Also, to Officer Steve Dunham, can’t say enough about what he did.

Mayor Centers stated that there is no meeting on Monday, September 5, 2016 as it is Labor Day.

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

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

Motion passed.

Mayor Centers adjourned the meeting at 7:12 p.m.

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Mayor

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Clerk of Council