

FRANKLIN CITY COUNCIL
JUNE 5, 2017

Members of the Franklin City Council met in regular session on Monday, June 5, 2017 at the Franklin City Building, Mayor Denny Centers presiding.

Roll call showed:

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

There were two members of the press (Franklin Chronicle & Middletown Journal) and 7 visitors at tonight's meeting. Also present: Mr. Russ Whitman, Police Chief; Ms. Donnette Fisher, Law Director; Mrs. Karen Ervin, Finance Director; Mrs. Myra Haney, Administrative Assistant; Mr. Steve Inman, Public Works Director; Mr. Barry Conway, City Engineer; 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 Mayor Centers.

Mr. Hall made the motion to approve the Clerk's Journal and accept the tapes as the Official Minutes of the May 15, 2017 regular meeting; seconded by Mr. Aldridge. The vote:

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

Motion passed.

RECEPTION OF VISITORS

There were no visitor remarks at tonight's meeting.

PRESENTATION - GOOD NEIGHBOR AWARD

This was removed from tonight's agenda.

PRESENTATION - COHEN RECYCLING

Mr. Ken Cohen, President of Cohen Recycling, addressed Council about locating their business on Riley Boulevard, currently Pacey Mindlin Recycling. He stated they're working with Pacey on purchasing his property and to re-open as Cohen Recycling. Mr. Cohen added they need to obtain a use agreement for a portion of the right-of-way from the City where the business is currently located.

Mr. Cohen introduced Mr. Adam Dumes, Vice President and Mr. Geoff Rosenberg, Vice President who is also here tonight. Mr. Cohen stated they are a regional recycling company and have been in this business

almost 100 years. We've always enjoyed the relationship we've had working with Franklin and hope that the City will be receptive to their request and allow us to move forward. Mr. Cohen stated they are available to answer any questions.

Mr. Adam Dumas, Vice President, stated they were founded in 1924, family owned business and headquartered in Middletown, Ohio. They have several facilities located in the tristate area. Also, the last 6-7 years, they have been trying to be known as a recycling partner to the communities.

Mr. Dumas presented Council with a handout of their proposed plans for the property. (attached) He noted the following:

- Pacey started in 1907
- Currently adding recycling business as there is value in recycling
- Working hard to present a new brand
- Handout includes pictures of current facilities – before and after
- Intent is to revamp
- Their plans for Mindlin Recycling: new fencing, repair & repaint facility; landscaping; signage; street sweeping
- Current pictures & concept drawing of Pacey's property is included in the handout
- Intent is to be a first class recycling operation & also to allow citizens to take advantage of electronic recycling

Mayor Centers asked if there will be a fee for electronic recycling. Mr. Dumas stated, yes, and explained how they are approaching it. In some communities, they have a collection event, will partner with other businesses and the municipality, for collection/drop off of electronics, which allows for a smaller fee. Mayor Centers asked about any money sources. Mr. Dumas stated they had a program with Hamilton County which allowed for reduced fees (no longer have). Butler County has a program and will contribute monies if it gets approved, to start next month.

Mrs. Fouts asked what their plans are for other types of recycling.

Mr. Geoff Rosenberg, Vice President, stated he has an outside operation scrap business and we will continue to do that. It's mainly wastepaper & his customers are local. We currently operate 20 yards in other Cities. Pacey has a good waste paper business and we want to add that to what we do. Mr. Rosenberg added that they don't expect any additional traffic.

Mrs. Fouts stated she has concerns of what's going to happen and how it will look.

Mr. Dumas stated we are located in 4 states and have warehouses. We have the ability to move materials and currently Pacey does have limited area. We are offering a first class facility and currently, these items are already being accepted.

Mayor Centers asked if they are going to expand and where are you going to put the electronic recycling? Mr. Rosenberg stated there's no room to expand – items will be put in boxes etc. and move it out. Mr. Rosenberg added we have been working on this since August with Mr. Lewis and Ms. Fisher - - on right-of-way, fence lines and trying to make this work.

Mayor Centers asked if they're interested in buying the old paper mill property (behind Pacey's). Mr. Rosenberg stated they are always looking and, yes, are interested. In most cases, where we are located, we've bought adjacent property.

Ms. Fisher stated the first step in the process is we have to do an agreement with them to use the right-of-way as Pacey is using it now. Council has to decide if you want to do this. Pacey sold the business in 2002; kept the land; and there was an agreement to use the right-of-way with the new business owner. Mr. Bray asked why we wouldn't do an agreement and if there's a problem with doing an agreement. Ms. Fisher stated its Council's decision; no current use agreement; and wouldn't sell the right-of-way and legally, no issue with a use agreement. Mr. Bray asked Mr. Rosenberg if he had any problems with a use agreement. Mr. Rosenberg stated they initially offered to buy the right-of-way. The Planning Commission and legal department didn't want to do that. The Use Agreement was suggested and our Attorney has been working on that.

Mrs. Fouts asked if you acquire additional property do you have a vision of what you want to do with it. Ms. Fisher stated under the current zoning, they can't expand onto the adjacent property unless the zoning ordinance is changed. There was some discussion on how to change the zoning of the adjacent property. Mr. Rosenberg stated yes, we would like to do that. Ms. Fisher stated can't do that – you're a conditional use. Mr. Rosenberg stated the first step is to acquire Pacey's and establish ourselves before we acquire any additional property, etc.

Mr. Bray stated he thinks you've done a great job – been around a long time, think we need and you're a class act in Middletown and give back to the community. Pacey has also been an asset.

Mrs. Fouts stated your business is attractive to her and you'll also be keeping Pacey's business.

Mr. Aldridge stated he has a problem as it's on the gateway to our City & we don't get many chances to change how something looks in our City. He appreciates Pacey's business and he wants something that will look nice. Also, he wants a strong commitment that you will make it nice if we proceed with this. Mr. Aldridge added that he's not familiar with their facilities.

Mr. Rosenberg stated the main yard is in Middletown and the retail center is on Verity parkway. It includes the newly opened electronics division, an eight million dollar expansion, and you're welcome to visit. This is a highly regulated business; we're good corporate citizens; want to be in Franklin and make it work. We think it's good for both.

Mayor Centers stated his concern is the same as Mr. Aldridge – it's located on the main thoroughfare to the City and, if you proceed, it needs to look really nice. He asked if you purchase the building next door, would you start a scrap metal yard. Mr. Rosenberg stated that's already at Pacey's and we have some options.

Mr. Dumas, Vice President, stated we're trying to change behaviors – look and appeal is important and welcoming – aesthetic appeal is important.

Mr. Ken Cohen, President, stated the business has been built through efficiency – and explained how the business works. Pacey is already doing what we're going to do – we're going to stream line the operation, make it look nice, have bought adjacent property in the past and will work to make it a beautiful entrance into the City. This will take time, be done in phases and our intent is to fulfill our plan.

Mayor Centers thanked them for coming tonight.

PUBLIC HEARING ORDINANCE 2017-08 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRANKLIN, OHIO, TO REZONE THE PROPERTIES LOCATED AT 530 E. SECOND STREET FROM R-2, METROPOLITAN RESIDENTIAL DISTRICT, TO C-2, COMMUNITY COMMERCIAL DISTRICT

Mr. Lewis stated that Williams Real Estate currently owns this property at 530 E. Second Street. This has been to the Planning Commission on May 8, 2017 and they voted 7-0 to recommend to Council to approve the rezoning. They are requesting to rezone the property from R-2, Metropolitan Residential District to C-2 Community Commercial District. There was some discussion on the zoning of the adjacent properties.

Mrs. Fouts asked if traffic will be a concern if it's rezoned to commercial. Ms. Fisher stated that depends on the use that wants to locate there and that a traffic study will be done. Mr. Lewis added we don't know the density of cars - we will do a study when we know what the proposed use is. Also, Planning Commission will review any proposed use at the property.

Mayor Centers opened the Public Hearing and asked for any comments. There being done, he closed the Public Hearing.

Mr. Bray made the motion to adopt Ordinance 2017-08; seconded by Mr. Hall. The vote:

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

Motion passed.

RESOLUTION 2017-30 AWARDING THE BID AND AUTHORIZING EXECUTION OF THE CONTRACT WITH NORMAC COMPANY, LLC FOR THE 2017 MUNICIPAL PAVING PROJECT

Mr. Conway stated that three bids were opened at the May 31, 2017 bid opening:

Normac Company LLC	\$371,548.65
Barrett Paving Materials	\$396,695.10
John R. Jurgensen Company	\$423,828.94

The engineers estimate is \$430,000 and we are recommending to award the bid to Normac Company.

Mayor Centers added that they have done work for the City previously and we were happy with it.

Mr. Lewis stated that 201 E. Sixth Street, the parking lot, has been added to the project and JEMS will pay for it.

Mr. Aldridge made the motion to adopt Resolution 2017-30; seconded by Mrs. Fouts. The vote:

Mayor Centers	yes
Mr. Aldridge	yes
Mrs. Fouts	yes
Mr. Hall	yes
Mr. B. Centers	absent

Mr. Ruppert absent
Mr. Bray yes

Motion passed.

RESOLUTION 2017-31 AUTHORIZING THE CITY MANAGER TO PREPARE AND SUBMIT AN APPLICATION FOR THE OHIO PUBLIC WORKS COMMISSION'S STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS AND TO EXECUTE CONTRACTS, AS REQUIRED, FOR PROGRAM YEAR 2019 (PY 33) FOR THE DOWNTOWN SIGNALS PHASE ONE PROJECT

Mr. Conway stated this application is for the Downtown Signals Phase One project. The project includes rebuilding three traffic signals in the downtown, plus construction of advance guide signing on Second Street – Second St. at Riley Blvd.; Second St. at S. Main St. and Second St. at S. River St. The estimated project cost is \$1,174,000.00. We have applied for CMAQ funding, 30/70 split. This application for OPWC's Issue II funds is to help with our costs.

Mr. Lewis stated we hope to receive the money; good application prepared and this will be applied to our part of the project cost.

Mr. Bray made the motion to adopt Resolution 2017-31; seconded by Mr. Hall. The vote:

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

Motion passed.

RESOLUTION 2017-32 AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH BRANDSTETTER CARROLL, INC., FOR ENGINEERING SERVICES FOR THE GREAT MIAMI BIKE TRAIL PHASE IV PROJECT

Mr. Conway stated that this authorizes a contract with Brandstetter Carroll, Inc. for engineering services for the Great Miami River Bike Trail project which connects the bike trail between Franklin and Middletown. ODOT is requiring that the plans be updated to meet ODOT Plan Standards. This provides for the plans to be updated. A retaining wall is also included. The cost of the engineering is being split 60/40 with Middletown.

Mr. Hall made the motion to adopt Resolution 2017-32; seconded by Mr. Aldridge. The vote:

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

Motion passed.

RESOLUTION 2017-33 AWARDING THE BID AND AUTHORIZING EXECUTION OF THE CONTRACT WITH APPLIED MECHANICAL SYSTEMS, INC. FOR THE 2017 POLICE DIVISION HVAC PROJECT

Mr. Lewis stated that this is to replace the HVAC system at the Police Department.

Bids received at the May 31, 2017 bid opening:

Applied Mechanical Systems Inc. \$34,550.00

Mr. Lewis stated we recommend to award the bid to Applied Mechanical Systems. They also installed the HVAC system at the Public Works Building. Currently, they service the HVAC system at the Police Department.

Mayor Centers asked if we ever follow-up why companies don't bid a project. Mr. Lewis stated, no.

Mr. Hall made the motion to adopt Resolution 2017-33; seconded by Mr. Hall. The vote:

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

Motion passed.

RESOLUTION 2017-34 AUTHORIZING THE CITY MANAGER TO EXECUTE A COOPERATIVE AGREEMENT WITH WARREN COUNTY FOR VICTIM WITNESS COORDINATOR SERVICES

Mr. Lewis stated we currently have an agreement with Warren County. We've had the agreement since 2007 and in recent conversations, we agreed to an increase but they never billed us. The increase is for \$5,000 a year and recommend approval.

Mr. Bray made the motion to adopt Resolution 2017-34; seconded by Mr. Hall. The vote:

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

Motion passed.

INTRODUCTION OF NEW LEGISLATION

Mayor Centers introduced the following legislation. Public hearings will be held at the June 19, 2017 meeting.

Ordinance 2017-09 Authorizing the Sale of 35.171 Acres Located along Shaker Road (Eichholz Park) to Warren County

Ordinance 2017-10 Enacting Chapter 703 of the Codified Ordinances of the City of Franklin, titled “Donation Boxes”

Ordinance 2017-11 Determining to Proceed with the Improvement of City Streets and Public Ways by the Lighting Thereof for the Year 2018

DISCUSSION: CHARTER AMENDMENTS

Mayor Centers asked Council if they have read the proposed amendments and if they are okay with them.

Ms. Fisher asked if you want all 8 of the amendments presented to the voters or do you want to split them up. Four of the amendments are from the previous Committee which was not approved by the voters. Mayor Centers added that whether they are old or new doesn't matter – which ones are important do matter.

Ms. Fisher continued her recommendation is:

1) Section 8.04(a) The Civil Service Commission. This was rejected before. This removes the political party requirement to serve on the Board which makes it hard to find board members to serve.

Mayor Centers asked Council what they want to do – Consensus of Council agreed to put this on the ballot.

2) Section 8.02 Unclassified Service. This is also important. She explained that the proposed language cleans up the sections by amending the wording and/or deleting wording.

Proposed changes are:

- (e) removes ‘Secretary to the City Manager and one Secretary’ and adds ‘Assistant’ to each Department.
- (m) adds to the end of the sentence “the Department of Finance and the Department of Safety, except for the positions of Police Chief and Fire & EMS Chief; and”
- (n) eliminates Water & Sewer Operators
- (o) eliminates Head of the Division of Building Zoning within the Department of Safety
- (p) eliminates Income Tax Administrator
- (q) is renumbered to (n) and adds ‘and Other Court personnel’

Ms. Fisher added that this section has not gone before the voters before.

Consensus of Council agreed to put this on the ballot.

3) Section 5.05 Contracting Powers. Ms. Fisher stated that this was amended in 2007. In competitive bidding, we have to follow State Law. The State has changed that threshold from the \$25,000 which this section states. The language being recommended is “the amount fixed by State Law” and to remove “Twenty Five thousand Dollars (\$25,000)”. Our projects will still have to be bid and we'll follow the amount set by the State.

Ms. Fisher stated with the proposed language we won't have to keep updating this section if the approved language is adopted.

Mayor Centers asked if the Committee had a recommendation on how many to approve to be on the ballot. Ms. Fisher stated that they don't make that recommendation – Council has to decide which ones to put on the ballot.

Consensus of Council agreed to put this on the ballot.

4) Section 3.03 Powers of Council. Ms. Fisher explained the current process of how the City can sell, lease, or grant interests in real property. It is a lengthy process. The recommended changes removes the four week advertisement if sold to another government agency. The process remains the same if we sell to an individual or business.

The proposed language recommended to add, at the end of the paragraph is: “Notwithstanding any other provision of this section, property may be sold or leased to the United States, the State of Ohio, or any governmental unit or agency thereof, without competitive bidding, by ordinance, upon the vote of a least five (5) members of Council”.

Also, it removes the language “two conspicuous locations and adds “a conspicuous location” in the sentence: “Written notice of intent to sell or lease real property shall be posted on the real estate to be sold or leased in (two conspicuous locations) a conspicuous location on which property and shall remain posted for four (4) consecutive weeks.

Mr. Lewis added that this will speed up the process.

Consensus of Council agreed to put this on the ballot.

Mr. Bray stated he'd like to put 5 issues on the ballot – include Section 4.10.

5) Section 4.10 Adoption of Technical Codes by Reference. Ms. Fisher stated that this made since in 1984. It's being proposed to change ‘three (3) copies’ to ‘one paper code’ of the Code Ordinance to be kept and to delete that they are available for sale by the City. These are now available online. The sentence will read as follows:

In such cases, publication of the standard ordinance or code shall not be required, but at least ~~three (3) copies~~ one paper copy of such code or ordinance shall be kept at all times in the office of the City Clerk and available for reference by interested persons. ~~and copies of such standard ordinance and code shall be available for sale by said Clerk.~~

Consensus of Council agreed to put this on the ballot.

Mr. Lewis summarized the sections that Council wants to put on the ballot:

8.04(a) The Civil Service Commission; 5.05 Contracting Powers; 3.03 Powers of Council; 8.02 Unclassified Service; and 4.10 Adoption of Technical Codes by Reference.

CITY MANAGER'S REPORT

Mr. Lewis stated that the Chamber Luncheon meeting will be June 19th at the Atrium Hospital and to let him know if you are attending.

COUNCIL COMMENTS

Mr. Bray thanked everyone for attending the Memorial Day Parade – good turnout.

Mr. Hall thanked Mr. Steve Inman and his employees for all their work done at the pool. He's received lots of compliments on the pool. Also, Mr. Hall thanked Mr. Lewis for taking care of the issue for his mom. The Farmers Market on Saturday was good.

Mrs. Fouts thanked Mr. Whitman for his department's help with the concert Saturday night at JD Legends. No parking signs are needed when there is a concert. Also, her business was voted 'Business of the Year' by the Franklin Chamber – very proud.

Mr. Aldridge asked about solicitor permits – do they need a permit, identification, and we need to educate the public. Ms. Fisher stated they have to apply to the City for a permit and a name badge is issued to them. Mr. Lewis added if they don't have a permit/badge, to call the Police Department. Also, we will send out to you who is registered with the City to solicit.

Mayor Centers stated he received the notice from Chief Whitman and would like to present a 'good neighbor' award to the female who was involved in the incident. Also, he talked with Mr. Lewis this afternoon about an issue on the trucks. Mr. Lewis stated that "no semis" and "no thru traffic" signs are being put up. Mr. Lewis added that the County has done a good job on the signs. Mr. Inman added that the signs will be up tomorrow.

Mr. Bray stated the property (back yard) next to the nursing home on 4th Street – it is being cleaned up. Mr. Lewis stated that it was reported to NIC.

Mayor Centers stated he talked to Ms. Fisher about the flyers, phone books, etc. being thrown into yards. Ms. Fisher stated that will be addressed in the traffic code. Also, remember, we will need vehicles for the 4th of July Parade.

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

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

Motion passed.

Mayor Centers adjourned the meeting at 7:27 p.m.

Vice Mayor

Clerk of Council