

FRANKLIN CITY COUNCIL
AUGUST 7, 2017

Members of the Franklin City Council met in regular session on Monday, August 7, 2017, 6:00 p.m. at the Franklin City Building, Mayor Denny Centers presiding.

Roll call showed:

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

There were four visitors and two members of the press present (Middletown Journal & Franklin Chronicle). Also present: Ms. Donnette Fisher, Law Director; Mrs. Amy Miller, Finance Director Secretary; Mrs. Karen Ervin, Finance Director; Mr. Ross Coulton, Assistant Safety Director; Mr. Barry Conway, City Engineer; Mr. Steve Inman, Public Works Director; Miss Donnette Fisher, Law Director; Mrs. Myra Haney, Administrative Assistant; Mr. Jonathan Westendorf, Fire Chief; Mr. Sonny Lewis, City Manager and Mrs. Jane McGee, Clerk of Council.

The Pledge of Allegiance was led by Mayor Centers.

Mrs. Fouts made the motion to approve the Clerk's Journal and accept the tapes as the Official Minutes of the July 17, 2017 regular meeting; seconded by Mr. Ruppert. The vote:

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

Motion passed.

RECEPTION OF VISITORS

There were no comments tonight.

PUBLIC HEARING ORDINANCE 2017-21 LEVYING ASSESSMENTS FOR THE IMPROVEMENT OF CITY STREETS AND PUBLIC WAYS BY THE LIGHTING THEREOF FOR THE YEAR 2018

Mr. Lewis stated that this is the last step in the street lighting process.

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

Mr. Hall made the motion to adopt Ordinance 2017-21; seconded by Mr. Bray. The vote:

Mr. Bray	yes
Mayor Centers	yes

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

Motion passed.

PUBLIC HEARING ORDINANCE 2017-22 AMENDING CHAPTER 541., "PROPERTY OFFENSES," AND ENACTING SECTIONS 541.111 AND 541.17 OF THE CITY OF FRANKLIN CODIFIED ORDINANCES

Ms. Fisher stated that this makes the following changes:

- Sections 541.01, 541.02, 541.04, 541.05, 541.06, 541.08 and 541.11 are updated based on State law
- Section 541.111 – new section added, Endangering Aircraft, which prohibits shooting at drones
- Section 541.13 – new section prohibiting unsolicited flyers, mailers, circulars or other printed material unless solicited by the homeowner
- Section 541.17 – outlines definitions for this Chapter

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

Mrs. Fouts made the motion to adopt Ordinance 2017-22; seconded by Mr. Bray. The vote:

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

Motion passed.

EMERGENCY ORDINANCE 2017-24 AMENDING ORDINANCE 2017-12 TO PROVIDE APPROPRIATIONS FOR CURRENT EMERGENCY EXPENSES & OTHER EXPENDITURES FOR THE CITY OF FRANKLIN, OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2017

Mrs. Ervin stated the following funds are being adjusted.

- General Fund - \$5,000 increase in advertising costs
- Issue Two Fund - \$50,000 increase in project costs
- Recreation Fund – Special Events increased \$1,900 for insurance costs and \$1,050 for replacement of the City's PA system

Mr. Bray stated that this has been to and approved by the Finance Council Committee.

Mr. B. Centers asked with Special Events increasing, have we looked at updating power/lights, etc. at the Park. Mr. Bray stated no, we haven't talked about that. This increase is for insurance costs only.

Mayor Centers asked if the Park Board has discussed adding additional power to the Park.

Mr. Lewis stated we have discussed the concept for the entire Park; no discussion on funding. We've also discussed to see if a grant is available from Duke for the entire lighting scheme at the Park.

Mayor Centers asked if this will include the land (17 acres) across the street. Mr. Lewis stated that will be the last part of the discussion. Mayor Centers asked if there have been any discussions on a five year plan. Chief Westendorf stated some discussions but nothing confirmed. Discussion continued on the need to update the Park utilities as the events grow. Mr. Bray stated this will be reviewed.

Mr. Hall made the motion to adopt Ordinance 2017-24; seconded by Mr. Bray. The vote:

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

Motion passed.

RESOLUTION 2017-40 APPROVING THE SOLID WASTE MANAGEMENT PLAN OF THE WARREN COUNTY SOLID WASTE MANAGEMENT DISTRICT (SONNY LEWIS)

Mr. Lewis stated that this is done every three years. The WC Solid Waste Management District has reviewed the plan and he recommends approving.

Mr. Ruppert made the motion to adopt Resolution 2017-40; seconded by Mr. Hall. The vote:

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

Motion passed.

RESOLUTION 2017-41 AUTHORIZING THE PURCHASE OF DE-ICING SALT FROM THE DETROIT SALT COMPANY THROUGH THE WARREN COUNTY JOINT SALT PURCHASING PROGRAM

Mr. Inman stated the bids received are as follows:

American Rock Salt Company	\$70.00 per ton
Compass Minerals America	\$62.75 per ton
Cargill Deicing Tech.	\$61.00 per ton
Morton Salt	\$53.50 per ton
Detroit Salt Company	\$53.40 per ton

We recommend to purchase de-icing salt from the Detroit Salt Company. They are a good company and we purchased from them last year.

Mr. Bray asked how much salt is left over from last year. Mr. Inman stated approximately 2300-2400 tons.

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

Mr. Hall	yes
Mr. B. Centers	yes
Mr. Ruppert	yes

Mr. Bray yes
Mayor Centers yes
Mr. Aldridge absent
Mrs. Fouts yes

Motion passed.

****RESOLUTION 2017-42 APPROVING THE AGREEMENT WITH COHEN BROTHERS, INC.
FOR THE USE OF CITY PROPERTY LOCATED ADJACENT TO 666 RILEY BOULEVARD**

Mayor Centers stated he'd like to table this Resolution as it was just added to the agenda tonight.

Mr. Bray stated he'd like to discuss this, we've been working on this the past week and understands if anyone is upset about it being added to tonight's agenda & apologized. Also, Ms. Fisher has been involved with this and this is her last meeting.

Mr. B. Centers stated that this has been to the Economic Development Council Committee (Mr. B. Centers, Mayor Centers, and Mr. Ruppert). Mr. Lewis was also present & Mayor Centers was absent. We were in favor of it and would like to discuss this. Mr. Aldridge has voiced concerns about this and think we shouldn't vote on it until we have a full Council present.

Mr. Bray stated they are ready to purchase the property and would like to discuss it tonight since Ms. Fisher is leaving and she can answer any questions.

Mayor Centers stated since it concerns property, he'd like to read the agreement first & think about it. Mr. Bray stated he understands, he's not saying we have to vote on it tonight, but would like to discuss it especially since this is Ms. Fisher's last meeting.

Mr. Lewis stated we had a presentation with them. We wanted/received information that we requested, along with drawings. Mr. Ruppert and Mr. B. Centers were in favor of it at that time. Last week, we had a meeting with them about what they want to do and any future plans. They want to utilize the same footprint as what Pacey is currently using. We sent them a drawing (attached to the Resolution) – were questions and that's why this is last minute and we apologize for that. This Use Agreement gives Cohen the right to operate on the same footprint as Pacey is currently operating on.

Ms. Fisher explained the Use Agreement: 1) upon the purchase, they can use the City's property that is adjacent to the property at 666 Riley Boulevard; 2) they will not be using all of the right-away, just what currently is being used; and 3) agree to convey back to the City any portion that they're not using in their operations, if the City needs to widen the roadway. Currently, only the fence and some concrete are on that property. Also added 'Use' to the Agreement – they are granted permission to pave its ingress and egress route across the premises or erect fencing on the premises and they assume sole responsibility for the maintenance/repair. Also they agree not to erect any new structure, sign or permanent fixture of any type within three feet of the edge of the pavement of Riley Boulevard nor undertake any use of the premises that will endanger the public.

Mayor Centers asked if it's legal to have concrete/fence located in the easement. Ms. Fisher stated it's been there a long time and that the Court would probably say it's okay – would not allow it today. Also, we would not allow any new structures, signs, within three feet of the pavement. Ms. Fisher added that it also includes an Indemnification Clause which makes them responsible if anything occurs in the right-of-way and to protect, indemnify and hold harmless the City against any actions, claims, demands or liabilities for death, personal injuries or property damage arising from Cohen's use of the premises, etc. This wording is also included in the Resolution. This Agreement allows Cohen to use what Pacey has used all of these years.

Mr. Bray stated it's the same Agreement as we had with Pacey. Ms. Fisher added that this is the same agreement we had in 2000-2006 when SP Recycling bought the business and is not the first time we've had a use agreement in this area.

Mr. Ruppert asked what the next step is. Ms. Fisher explained that if Council approves this Resolution, that they can occupy the same footprint, the next step is to get a recycling permit from Planning Commission. Mr. Ruppert stated, so the question is if we want a recycling business at that location or not.

Mrs. Fouts stated we're talking about the right-of-way at the location that we have the option on, if we want to let someone use it, buy it, or not. The recycling business is already there, and don't think it's going away. The question is, do we want a reputable company, like Cohen, to invest in our City or not. It's not a question on whether we want them or not – our job is to bring business to Franklin.

Mr. B. Centers stated they gave a very good presentation at the Economic Development Committee. They noted the following: number of jobs will be about the same; are a reputable company; give back to the community; give presentations to schools; will have electronic recycling; own a street sweeper; showed drawings of existing buildings and want to invest in our community. He was very impressed with them and feel good about it. Also, he agrees with Mrs. Fouts - there's going to be a recycling business there, regardless of who it is. He thinks it's better to have a reputable company.

Mr. Ruppert asked if we know what Mr. Aldridge's objection is. Mayor Centers stated no, he didn't know. Mr. Bray added he thinks he just doesn't want it here.

*Mr. Aldridge amended this to say "he didn't say he didn't want it here – what he said to the Cohen Brothers was, with them locating on the gateway of our community, he wanted it to be an improvement, from an aesthetics standpoint, with landscaping etc.

Mayor Centers added he doesn't want it here either; thinks Cohen is a good operation and company; and want to move it off the main street into the City. Mayor Centers added he'll leave it up to Council what you want to do with this Resolution.

Mr. Bray stated he has been involved with this, we have a company who wants to come in and they do what is currently there. Also, they can't expand without Council's approval.

Ms. Fisher added under the current zoning code, this is a non-conforming use, and Council has to approve if they want to relocate or expand the business. If they purchase the property next to it, Council will have to approve the use for the property.

Mr. Bray stated he has no problems with this, we have control over any expansion, and they are doing the same thing, in the same spot as what is currently there.

Mrs. Fouts stated looking forward, our plan would be to clean up the corner, we have an economic development plan, they are willing to invest in our City; have no problem with this; and Cohen said they would keep the current employees.

Mr. Ruppert added when they receive a large drop off, they will ship it off right away & may help clean-up that area. Also, Mr. Ruppert added it's mainly local people that use that portion of Riley Boulevard.

Mayor Centers stated there's been enough conversation, we have a quorum tonight, and we'll take a vote on this. He considers Pacey a friend and has nothing to do with him or Cohen – they are a great company. It's just decisions that we make for the betterment of Franklin.

Mr. Bray made the motion to adopt Resolution 2017-42; seconded by Mr. B. Centers. The vote:

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

Motion passed.

INTRODUCTION OF NEW LEGISLATION

Mayor Centers introduced the following legislation. Public Hearing will be held at the August 21, 2017 meeting.

Ordinance 2017-23 Amending Certain Sections and Enacting Sections 353.10 and 373.14 of the City of Franklin Traffic Code to be Concurrent with State Law Through September 29, 2017

CITY MANAGER'S REPORT

Mr. Lewis reported on the following:

- Stadia/Skokiaan bid opening is August 9, 2017
- Pre-construction meeting for the Hemlock improvements this week
- Riley Boulevard paving – it rained last night and they were unable to start, will be starting shortly

COUNCIL COMMENTS

Mr. Hall stated that the National Night Out went very well and congrats on a job well done. Good luck to Ms. Fisher, in her new position. We need to do something about the houses boarded up – in front of Boxboard (Anderson & 6th Street) and at 139 6th Street and the house next to it, across from the Junior High School. Some are boarded up/stuff all over & some places need cleaned up. Mr. Hall asked about the property at 6th St. & Anderson and questioned what is happening with NIC. Mr. Lewis stated the property is boarded up, will be brought up to standards as they just took out a building permit. Also, will check on the 6th Street houses. The house on Anderson has 30 days to pull building permits or we are going to condemn it. We met with NIC today. We are also working on a couple of houses on 5th Street; 3 properties we have been working on, no owners, and we're working on seizing these properties. There are some we are actively working on, takes time, we also get frustrated, but it's not NIC's fault.

Mayor Centers stated he passed a property tonight that was bad and asked if we need to amend our ordinance to address these situations. There was some discussion. Mrs. Fouts added she brought up 139 6th Street 2-3 years ago, and it's still boarded up and questioned if the house next to it is owned by the same person. Mr. Lewis stated he'll check on it.

Discussion continued. Mr. B. Centers stated that Toledo has regulations that regulates what material to use to board up residences. This is more expensive than to board up windows. Landlords are getting fined and they are seeing less boarded up properties. Mr. Lewis stated we are reaching 50% of rental properties in the City. His opinion is we need to demo them, to avoid the cycle. Mayor Centers asked if we need to revisit the property codes. Mr. Lewis stated no, he didn't think so. His opinion is we need to take control of the properties, demolish the houses and maybe sell the property.

Mr. Hall stated the new paving looks good.

Mrs. Fouts stated the lights on the bridge look beautiful – town looks good – the guys are doing a great job. Mrs. Fouts wished Ms. Fisher good luck.

Mr. B. Centers stated the National Night Out had a good turn out and Officer Pacifico did an outstanding job. Also, good response time on recent fire. The kickoff for the Downtown Revitalization Committee, Forever Franklin, is August 10, 2017 at the Franklin Library. Also, on 8/18/17, the Committee is having a downtown cleanup day. Mr. B. Centers thanked Mrs. Miller for being here tonight. Also, Ms. Fisher, we appreciate what you have done. Mr. B. Centers stated he will not be here for the next meeting as he has military duty.

Mr. Ruppert thanked Ms. Fisher for everything that she has done for the City. He noted that several houses in the City are being worked on and looks good. He suggested to recognize them, be nice to do and maybe put it in the paper. On River Street, next to the fixer up house, there is a pile of tires in the back yard. The National Night Out had a great crowd and the police car with the hand prints was a good idea.

Mr. Bray stated great job on the National Night Out event. We'll see Ms. Ervin at the next meeting and then she'll be on maternity leave – good luck. We'll miss you, Ms. Fisher and you did a lot of good things for the City. In Finance Committee meeting tonight, Ms. Ervin presented an update from the recent audit; income tax money is coming in; doing a great job and we are holding our own.

Mayor Centers stated that the National Night Out was an awesome event. Thanks to Ms. Fisher for all you've done and good luck. The car show is this weekend. Mr. Brian Sleeth has sent in a letter of resignation from the Civil Service Commission and the BZA as he is moving out of the City.

Mr. Lewis stated he will be on vacation and Chief Westendorf will be the Acting City Manager. Mayor Centers stated for the next meeting we need an executive session for land acquisition.

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

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

Motion passed.

Mayor Centers adjourned the meeting at 7:00 p.m.

Mayor

Clerk of Council

** Resolution added to the agenda

* amended