

FRANKLIN CITY COUNCIL
AUGUST 21, 2017

Members of the Franklin City Council met in regular session on Monday, August 21, 2017, 6:00 p.m. at the Franklin City Building, Mayor Denny Centers presiding.

Roll call showed:

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

There were numerous members of the Press (Franklin Chronicle, Middletown Journal, TV channels 12, 9, 45, 19 & 5) and approximately 80-100 visitors present at tonight's meeting. Also present: Ms. Karen Ervin, Finance Director; Mr. Ross Coulton, Assistant Safety Director; Mr. Barry Conway, City Engineer; Mrs. Amy Miller, Acting Finance Director; Mr. Jonathan Westendorf, Fire Chief; Mr. Russ Whitman, Police Chief; Mr. Steve Inman, Public Works Director; Ms. Dodie Lykins, Municipal Court Clerk, Mr. Sonny Lewis, City Manager and Mrs. Jane McGee, Clerk of Council.

The Pledge of Allegiance was led by Mayor Centers.

Mr. Aldridge stated he was absent from the last meeting. In the August 7, 2017 minutes, discussion of Resolution 2017-42, Approving the Agreement with Cohen Brothers, Inc. for the use of City Property located adjacent to 666 Riley Boulevard, Mr. Ruppert asked what my objection is. Mr. Bray stated he thinks he (Mr. Aldridge) doesn't want it here. He'd like to clarify and amend the minutes. 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. Mr. Bray made the motion to approve the Clerk's Journal, as amended, and accept the tapes as the Official Minutes of the August 7, 2017 regular meeting; seconded by Mr. Hall. The vote:

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

Motion passed.

RECEPTION OF VISITORS

Mayor Centers stated we have a full-house tonight and thanked everyone for coming. We appreciate everyone's opinions and want an orderly meeting as we proceed with discussion about the monument honoring Confederate General Robert E. Lee & Dixie Highway which was located on Hamilton Middletown Road at Dixie Highway.

Chief Whitman stated we want everyone to know we are a great community. If there is any bad language or threats – first, there will be a warning and if it continues, you will be asked to leave. If you don't leave, you'll be ordered to leave; if you refuse to leave, you will be arrested & removed from the Court room. We want everyone to voice their concerns on both sides of the issue.

Mayor Centers added he's lived in Franklin 35 years and we don't have these kind of problems. We are a great community, want to keep it that way and respect everyone that is here tonight. We have several who want to speak tonight and asked for the first speaker to come to the podium.

LeAnn Brewer (Waynesville) stated she was raised in Franklin and has property on Decker Road. She read a prepared statement. She spoke of learning about the Surge Greater Dayton Chapter & the Call to Action, by Corey Andon, forming a protest at the General Robert E. Lee monument at Dixie Highway/Hamilton Middletown Road. The monument was removed at night, without our knowledge and questioned if even Council knew. The monument has been there over 90 years, put there by the United Daughters of the Confederacy. Ms. Brewer asked why did the marker become a hazard, will it be replaced, we will not be threatened by outside groups and asked to put the marker back. We want to keep our history.

Samantha Carr, Franklin resident, presented 2,707 signatures of people who want to keep the monument. She spoke against the removal of the monument and asked to put it back.

Brandon Epperson, Sons of the Confederate Veterans and native of Franklin, stated this is a unique opportunity and we need to take advantage of it. He presented some history facts on General Robert E. Lee, the need to present correct information and to bring the monument back as its part of Franklin's history.

Mayor Centers stated there's been a lot of rumors and explained the sequence of events. Some of the decisions weren't right, along with the communication and that will be addressed at a later time. The City Manager and Police Chief were out of town. He talked with Chief Westendorf, serving as Acting City Manager, about this not being a City issue, is a Township issue. Franklin Township contacted the County Engineer and he said it was in the right-of-way. He also talked with Mr. Lewis, who said that this has to be removed from the right-of-way. We remove things from the right-of-way all the time. I know you don't think it was a right-of-way issue, but it is and it can't go back at that location.

Mr. Lewis explained it's a very difficult situation. If it wasn't in the right-of-way, it would not have been an issue. With it being in the right-of-way, we had to remove it – it's the law. He made the decision to remove it at night. He'd rather take it down at night and keep our citizens/employees safe.

There were many questions and comments from the audience; had to be removed as it was in the right-of-way; if anything else had been there it also would have been removed; why it wasn't taken down sooner; anyone threatened; bad timing of removing it; we all care about it and want it put back; and possible locations to relocate it.

Mayor Centers stated that it belongs to Franklin Township, was returned to them and they will decide where to put it.

Mr. Lewis explained it was located in Franklin Township until about 1995 when the City got the road in an annexation.

Discussion continued on asking Franklin Township to put it back & if the marker was damaged. Mayor Centers stated it belongs to Franklin Township and we're not aware of any damage. More discussion followed on why this wasn't addressed twenty plus years ago when the zoning changed; understand, but disagree with moving it at night; questioned if we get it back and zoning laws change again, will we have this problem again. Mayor Centers stated it would have been moved if we had been aware of it. Mayor Centers added it was moved at night for safety reasons, probably should not have been done that way and can't answer how it would be handled in the future.

Mr. Bray asked why the Township didn't move it. Mr. Lewis stated he wasn't here at that time. Usually, on right-of-way issues, we give them (the Township) the opportunity to move it or we will move it and give it to the owner.

Mr. Donald Westman stated he's been here ten years, his wife is from Franklin, and this isn't a hate thing – would feel this way for any statue, not racist, just angry because it's part of our history.

A gentlemen from the audience asked how much it cost to move the marker and feel this was a coward move to appease the haters. Mayor Centers stated we don't believe in that either – we have no problems and would like to see all of you get behind the opiate problem.

Mr. Robert Fisher stated he's 62 years old, lived here all his life, and the marker represents history. He was also upset that it was moved at night. His son reminded him that it was moved at night to protect those moving the monument as there are people upset on both sides. Also, it can go on his property on Hamilton Middletown Road.

Discussion continued on the monument location and if it's broken; want to see a picture of it; monument was put up as a tribute to Dixie Highway; history of the monument and the press keeps hyping this up. Most people don't know about this monument; this is a response to events going on elsewhere and it was handled poorly; moved for safety reasons and we should have been asked about it.

Mayor Centers explained that its City law that the monument had to be moved – is not an issue that is voted on.

The discussion continued on why the monument wasn't moved sooner and are we going to ask for the monument back.

Mayor Centers stated the monument belongs to Franklin Township, had to be moved as it was in the right-of-way. We need to see what the Township decides to do with the monument.

Tom Faulkner, Franklin, asked why there wasn't communication with the Township. Mayor Centers stated that there has been communication and the Township meeting is Thursday night.

Corey Andon, Socialist Alternative Group, (after removing the flag from around his neck like a cape), addressed Council stating the monument represents the State of Ohio and makes him ashamed to be here..... (in-audible) monument is a disgrace & embarrassing (in-audible) keeping the monument is inviting extremist groups. There were many comments made by the audience and Mr. Andon was escorted out of the meeting.

Another person from the Sons of Confederate Veterans (inaudible), stated a lot of confederate veterans are buried here – not ashamed of my heritage or flag.

Billy Back stated he was at the Saturday rally and we are not racist.

Tammy Turnmire stated this isn't a race issue, was handled incorrectly, shouldn't have moved it at night – opened the door for the hate groups. The City should have said it's in the right-of-way and it will be removed. You have allowed them to influence us and a process is needed so it doesn't happen again.

John Stosel stated the monument meant something – since it's been given back to the Township, will the City ask for it back or ask where its put; shouldn't try and appease them; we are voters and watching; can go in my yard if giving it back to the Township; no racist problems in the City and don't want these people coming in and being focused upon.

Mayor Centers thanked everyone for coming. We are waiting to see what happens Thursday at the Franklin Township meeting. Someone asked if there is going to be a City representative at that meeting to speak on Franklin's behalf. Mr. Bray stated if anyone is willing to have the monument put on your property, you need to call Franklin Township and let them know.

A member of the audience asked if there was a meeting on this – there was no Council meeting.

Mr. Aldridge stated he found out it was moved the same time as you – we should have worked with the Township on this; also upset on how it was handled and don't think we were bullied – mistake made.

Discussion continued on where to relocate the marker in the City; if anyone from Council is going to the Township meeting to represent the residents and we, the citizens, feel we are being lied to.

Mayor Centers stated the citizens are not being lied to – the City Manager was out of town and the Acting City Manager did confer with him.

Mayor Centers thanked everyone for coming tonight.

PUBLIC HEARING 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

Chief Whitman stated that this is the twice yearly update for the traffic code. The following sections are amended:

- 303.06(c) and add subsection (d)
- 311.19 adds exception for utility vehicles used for agriculture
- 313.02 allows bicycles to proceed through red lights
- 331.03 adds "safe passing distance" of a bicycle is 3 ft. or more
- 331.39 makes minor changes to mirror state law
- 333.08 removes "measured by gas chromatograph mass spectrometry" from marijuana metabolite section; increases look-back period for immobilization from 6 years to 10 years
- 333.11 to increase look-back period from 6 years to 10 years
- 333.15 makes minor changes to mirror state law
- 335.07 makes minor changes to mirror state law
- 339.23 removes subsections (b) and (c)
- 341.01 makes failure to display front plate on an otherwise legally parked car a secondary offense
- 351.02 exempts vehicles parked on residential property and locked vehicles parked anywhere from requirements to turn off engine when vehicle is unattended
- 353.01 to 353.04 to reflect changes in state towing laws; adds prohibitions related to vehicle towing to 353.09; enacts 353.10 which contains definitions formerly in 353.09
- Enacts 353.13 to establish regulations for personal delivery devices

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 2017-23; seconded by Mr. Aldridge. The vote:

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

Motion passed.

RESOLUTION 2017-43 ESTABLISHING THE RATES FOR SOLID WASTE, RECYCLING AND YARD WASTE COLLECTION IN THE CITY OF FRANKLIN FOR THE PERIOD FROM OCTOBER 1, 2017, THROUGH SEPTEMBER 30, 2018

Mr. Inman stated that this establishes the rate for garbage/solid waste, recycling and yard waste collection for October 1, 2017 through September 30, 2018. The rate will be \$16.24 per unit, per month - \$13.53 collection cost plus \$2.71 administrative fee. Mr. Inman added that this is the first one-year renewal of three renewals under the current contract. Mr. Inman stated they are a good company and recommend approval.

Mayor Centers asked if there are any problems that we need to address. Mr. Lewis stated no issues and that we have a good relationship with Rumpke.

Mr. Aldridge made the motion to adopt Resolution 2017-43; seconded by Mr. Bray. The vote:

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

Motion passed.

RESOLUTION 2017-44 AWARDING THE BID AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH WG STANG LLC FOR THE 2017 STADIA-SKOKIAAN INTERSECTION IMPROVEMENT PROJECT

Mr. Conway stated that bids were opened on August 9, 2017. Only one bid was received from WG Stang LLC at \$123,625.00. We recommend the bid be awarded to WG Stang and the cost of this project is from the Issue 2 fund.

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

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

Motion passed.

CITY MANAGER'S REPORT

Mr. Lewis stated that our request for a hearing on the renewal of the liquor license for New York New York is being rescheduled and will notify Council when we have been informed of the date.

COUNCIL COMMENTS

Mr. Hall stated that it's unfortunate that we are in this situation tonight, we have to obey the law and maybe things could have been done differently. Mr. Hall asked when the construction on Hemlock will begin – October 6, 2017 is the start date.

Mrs. Fouts stated going forward, we need to learn from our mistakes. While she stands behind the

decision, as we have to follow the law, she encourages phone calls and even an emergency meeting, if needed, if this happens again. It (the monument) had to be moved, not our property, and according to the law, it had to be moved. Also, she appreciates everyone that came here tonight, including the young man that spoke and then had to remove him - everyone does have a voice. Also, this Council and our City leaders, have the absolute best interests of everyone in this City – proud to sit up here, proud of our Police Department and everyone that is here tonight.

Commented [FO1]:

Mr. Aldridge thanked everyone for coming tonight and proud of those who spoke at the podium. This is a passionate topic, wasn't handled perfectly, bullying thing didn't happen and we'll learn from this.

Mr. Ruppert thanked everyone for coming tonight. He added that he's okay with the marker being removed at night because there could have been a clash – removing it at night was a safety issue and appreciate what the City did.

Mr. Bray stated that it was a great Car Show this past Saturday – 810+ cars & a big crowd. Mr. Bray stated that he was more personally involved in this issue than he should have been and apologized. It turned ugly quickly with Mr. Corey Andon. He put out a remark that he thought was going to Council only and it went to 500 others and TV stations – 'to leave the monument up'. Then it turned ugly on Facebook. We should have had more communication as there was an issue this week where 6 people were shot. I'm glad we did it at night and everyone is safe. This situation turned ugly very quickly. Also, he's been contacted by Anthony Wayne School that they are in need of bike stands & if we have a program to help with this. Mr. Lewis stated we have received a grant that starts next year that we can use this for. Also, need bike racks (hold 4-6 bikes) at Pisanello's Pizza. Mr. Lewis stated we can do that.

Mr. Doug Greathouse stated Rotary Club or Masonic Lodge may be willing to help. Mr. Bray asked him to contact Anthony Wayne School - Mrs. Debby Childress.

Mayor Centers stated he appreciates everyone that is here tonight – don't appreciate those that stay home, complain and don't get involved in the community. This is our community and he loves this town.

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

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

Motion passed.

Mayor Centers adjourned the meeting at 7:38 p.m.

Denny Centers, Mayor

Jane McGee, Clerk of Council