

FRANKLIN CITY COUNCIL
SEPTEMBER 18, 2017

Members of the Franklin City Council met in regular session on Monday, September 18, 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	present
Debbie Fouts	present
Todd Hall	present

There was one member of the press (Middletown Journal) and 7 visitors at tonight's meeting. Also present: Mr. Russ Whitman, Police Chief; Mr. Ross Coulton, Assistant Safety Director; Mr. Jonathan Westendorf, Fire Chief; Mrs. Amy Miller, Acting Finance Director; Ms. Lynnette Dinkler, Acting Law Director; Mr. Barry Conway, City Engineer; Mr. Steve Inman, Public Works 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 August 21, 2017 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	abstain

Motion passed.

PRESENTATION: MATT NOLAN - WARREN COUNTY AUDITOR

Mr. Nolan presented to Council the first Annual Report ever done by his office. He stated he (his office) has a good working relationship with the City, Mr. Lewis and staff.

He noted the following from his report:

- The County is in the best shape financially it's been in a decade
- 2005 was the best year; 2016 the second best year and 2017 is also looking good
- Update property values every 3 years – will be evaluating property next year
- Residential property is growing; industrial property is not growing
- Received the Auditor's Certificate of Achievement Excellence – have received this the last 25 years
- County has AAA bond rating
- Doing a lot of positive things in the County
- Negatives are: heroin epidemic and the jail is full
- Will be borrowing money for a new jail

- Children Services budget is also increasing due to the drug problem
- Dog tag revenues are down
- Check gas pumps & issue stickers; skimmers on gas pumps are also a problem

Mr. Nolan thanked Council for letting him come tonight.

RECEPTION OF VISITORS

Kathleen Aylor, 1134 Dale Avenue, stated she’s a new resident in the City and the State. She stated that the City needs to look at the house at 1138 Dale Avenue as it’s in bad condition and at 1155 Dale Avenue there is a lot of trash – what can the City do about them. She added that she has received a letter on sidewalk assessments.

Mayor Centers explained the process and that she needs to talk with the City Manager. We will start the process. She added that it is a nice neighborhood. Mayor Centers thanked her for coming.

RESOLUTION 2017-45 ACCEPTING THE AMOUNTS AND TAX RATES AS CERTIFIED BY THE WARREN COUNTY BUDGET COMMISSION FOR 2018, AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THE TAX LEVIES TO THE WARREN COUNTY AUDITOR

Mr. Lewis stated that this is the final step in the tax budget process which began in June. The amounts and tax rates have been certified by the County. This is the final step in the process.

Mr. Hall made the motion to adopt Resolution 2017-45; seconded by Mr. Ruppert. 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 2017-46 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH LYNNETTE DINKLER FOR SERVICES AS THE ACTING LAW DIRECTOR

Mr. Lewis stated that our Charter requires that we have a Law Director. Ms. Dinkler will serve as Acting Law Director and she is present tonight.

Mr. Hall made the motion to adopt Resolution 2017-46; seconded by Mr. Ruppert. 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.

INTRODUCTION OF LEGISLATION

Mayor Centers introduced the following legislation. The Public Hearing will be October 2, 2017.

Ordinance 2017-25 Amending Section 911.08(b) Tap-in Fees of the Codified Ordinances of the City of Franklin, Ohio

DISCUSSION: ELECTRIC AGGREGATION

Mr. Lewis stated in 2001, electric aggregation was on the ballot and passed. At that time, there wasn't much of a savings and it wasn't done. Now, we feel there would be a savings. Eagle Energy made a presentation to the *Economic & Development Council Committee. When this goes out to bid, the delivery charges don't change, but the generation charge will. Duke Energy will still provide services. One of the reasons we looked at this is because a lot of the solicitor/vendor permits that are issued are for energy companies. They know what our generation costs are and sometimes they use aggressive practices. Mr. Lewis referred to a draft of costs for comparison – an all-electric home and a gas/electric home in the Harpland area. The current rate is \$0.062 compared to a bid rate of \$0.052. The all electric home shows an approximate saving of \$209.81/yr. and the Harpland area home shows a 145.24/yr. savings for electric only. This is just for the generation cost for electric. He checked with Franklin Township as they just bid for electric and they received a rate of 0.052. It doesn't matter who bids it out (Franklin Township did not use this company), we would still save money. The Safety Council Committee feels we should pursue this.

Mayor Centers stated there is a savings on the generation cost and the other costs remain the same. Any savings is passed on to us and he doesn't see any reason not to proceed.

Mr. Ruppert added it's not mandatory – it's elective if you want or don't want to participate. Mr. Lewis, stated the City passed opt-out legislation. If you decide to proceed with this program, letters will be sent to the residents giving them the opportunity to opt-out and residents can opt-out at any time. Residents can also opt-in at any time.

Mrs. Fouts stated that it's scary with these people soliciting and calling about doing this and wanting your information. Mr. Bray noted that it was discussed when you give these people your information, you're automatically signed up and you should not do that.

Mr. B. Centers stated you are automatically included unless you opt-out. Also, there is a green initiative, wind turbine, out of Texas available, with a smaller savings.

Mr. Ruppert questioned why we didn't meet with the company that the Township is using. Mr. Lewis stated he had met with them earlier. And, we can meet with other companies if you want. Mr. Ruppert stated he thought there was a concern with this company. Mr. Lewis stated he's known these gentlemen for a long time and they all have worked for an energy program at some time.

Discussion continued on they (Eagle Energy) will bid it out, will buy for us, and advise us whether to accept or not, and recommends at least a rate for 2-3 years.

Mr. Hall asked, right now, we're just looking at bidding this out, see what rate we get and then decide if we want to proceed with. Mr. Lewis stated, yes.

Mr. B. Centers added, if we decide to proceed, letters will go out to the residents and they will explain the program to the residents.

Discussion continued on how the program will work, costs, the role of the company in the process and they will come in for a presentation at a Council meeting.

Mayor Centers asked who wants a presentation or if you want to go ahead with this.

Mr. Aldridge stated he doesn't mind if they go ahead with bidding it out because we aren't going to commit until we get the results.

Discussion continued on the City's part in this; if businesses are included; questioned using this company and how it will work. Mr. B. Centers stated that businesses over a certain usage, can opt-in under a separate contract.

Mr. Lewis stated that the residents voted to do this program; doesn't cost the City anything to participate in this program and explained the process. This company is just the broker.

Discussion continued on why it isn't opt-in instead of opt-out. Mr. Lewis stated that was the language that was passed by the voters.

Mayor Centers asked how many Cities/Townships have done this. Mr. Lewis stated most Townships are doing this and some Cities. Mr. Lewis stated the only issue is people will save money. Mr. Bray added it will never cost more money. Mr. Lewis added he checked with the Township and they haven't received any complaints.

Mayor Centers asked Council if they want to proceed with this. Mr. Aldridge stated he'd like a presentation. Mrs. Fouts stated her concern is it won't work. Mr. Lewis stated we know what's being paid – it goes out to bid – it's a lower rate – why not go with the lowest bid on the market.

Discussion continued on the program and how it will work. Mr. B. Centers stated let's move forward and have a presentation to Council. A presentation will be scheduled for a Council meeting.

CITY MANAGER'S REPORT

Mr. Lewis reported on the following:

- Phase 2 of the sidewalk replacement program has started in the Harpland area
- Skokiaan/Stadia and Hemlock projects will be starting the first of October

COUNCIL COMMENTS

Mr. Hall congratulated Mr. Aldridge and the others, on their induction into the FCS Hall of Fame.

Mrs. Fouts also offered congratulations to those inducted into the FCS Hall of Fame. It's been an interesting past few weeks and glad things have calmed down. Proud of our Police Department at our last meeting and also the Sheriff's Department. Attended the Township meeting and appreciate Captain Coulton also attending that meeting. We need to acknowledge people when they do well with their properties – have several on Millard Drive. Also, excited for Pacey, he gets to retire; asked about Cohen's plan and the citizens are excited about it. Mr. Lewis stated they are still working on it but have sent some drawings in. Mrs. Fouts also asked about an update on the Drug Court – Mayor Centers stated he will get with the Judge.

Mr. Lewis stated at the next meeting there will be a presentation by the Fire Department on the drug problem and it has been to the Safety Council Committee. We can invite Judge Ruppert and Greg Demos, Magistrate.

Mrs. Fouts stated her son-in-law was just sworn-in for the vacate seat on Carlisle Council.

Mr. Aldridge thanked Mr. Wilcher for coming tonight. Also, thanks for all the congratulations – honored and humbled to go into the Hall of Fame.

Mr. B. Centers apologized for not being at the last meeting – did watch it on Facebook Live. He received lots of calls & threats and forwarded them on. But one of the calls was directed at him. With his family at home and him being out of town, it was upsetting – he forwarded it on to Mr. Lewis who let the Chief know about it which made him feel better and appreciate it. To Sky Stewart, you had an opinion on the monument different from the majority of the people here and the way the people (on Facebook Live) treated you, made him sick. If it comes back to us, your voice will also be heard. Mayor Centers apologized to Sky as he overlooked him at the last meeting (for not letting him speak) and that he also went to his house, after the meeting, to apologize to him.

Mr. B. Centers stated he was a guest lecturer at Miami University and the professor told him of his son getting into drugs, went to drug court, also went to rehab (Sojourn), and is clean and fine now. The City has implemented both things which saved his son's life. It was nice to hear that the City is making the right steps. "Forever Franklin" met and is putting committees, with priorities, together; will have a booth at Fall Fest and looking at ways to raise money. Also, working on the end of year video – if you have info to include, please send to him or Sonny.

Mr. Ruppert thanked Mrs. Fouts for getting him inside at the Township meeting as they had limited capacity. There were a lot of angry people outside – but the people inside were not hostile. He tried to explain that it was done for the safety of all involved - people applauded and thanked us for our honesty. He commended Sheriff Sims Department - did a good job. Mr. Ruppert stated he was born & raised in the south. He understands both sides and the plaque was to promote people to go south to spend money – sad to see. Also, the City is looking great.

Mr. Bray congratulated Mr. Aldridge – well deserved. He received a phone call about 525 First Avenue is in bad shape – but is being worked on. At the football game, the pee wee teams were introduced; also, had the 911 Ceremony; the quarterback who was injured was there and the Hall of Famers were recognized. The American Legion was awarded, by the Honor Guard, to go to Washington to lay the wreath on the tomb of the Unknown Soldier. He along with Billy D. Estes, Henry Robinson, and John Robinson will attend next weekend, with the ceremony on 9/30/17.

Mayor Centers congratulated Mr. Aldridge; good to see Mr. Wilcher here tonight who's running for Council. Mr. Wilcher stated he wanted the three running for re-election to know that he doesn't have an axe to grind, is not about you – it's about him wanting to be a bigger part of Franklin. He enjoyed it before and will continue to work hard for the City and may the best man win. Mayor Centers welcomed Bob and Sky to tonight's meeting. Mayor Centers said when this happened (the monument) Mr. Lewis and Chief Whitman were out of town. He did meet with Captain Coulton and Chief Westendorf. He was kept informed and Captain Coulton coordinated everything with the Sheriff's Department. They did an outstanding job and thanked them. Also, welcome to Ms. Dinkler and thanks to Mrs. Miller, Acting Finance Director.

EXECUTIVE SESSION TO CONSIDER THE PURCHASE OF PROPERTY FOR PUBLIC PURPOSES BECAUSE PREMATURE DISCLOSURE OF INFORMATION WOULD GIVE AN UNFAIR COMPETITIVE OR BARGAINING ADVANTAGE TO A PERSON WHOSE PERSONAL, PRIVATE INTEREST IS ADVERSE TO THE GENERAL PUBLIC INTEREST

Mr. Lewis stated that the executive session is being changed – it is for a personnel issue, with no action afterwards.

Mr. Hall made the motion to enter into executive session to discuss a personnel issue, with no action afterwards; seconded by Mrs. Fouts. 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 and members of Council entered into executive session to discuss a personnel issue, with no action afterwards, at 7:07 p.m.

Mr. Aldridge made the motion to exit the executive session and adjourn the meeting; seconded by Mr. Hall. The vote being unanimous, Mayor Centers adjourned the meeting at 8:21 p.m.

Denny Centers, Mayor

Jane McGee, Clerk of Council

*amended