

FRANKLIN CITY COUNCIL
OCTOBER 3, 2016

Members of the Franklin City Council met in regular session on Monday, October 3, 2016, 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 (Franklin Chronicle) and 18 visitors at tonight's meeting. Also present: Mr. Ross Coulton, Assistant Safety Director; Mrs. Karen Ervin, Finance Director; Ms. Donnette Fisher, Law Director; Mrs. Myra Haney, Administrative Assistant; Mr. Steve Inman, Public Works Director; Mr. Barry Conway, City Engineer; Mr. Jonathan Westendorf, Fire & EMS Chief; Mr. Russ Whitman, Police Chief; Mr. Sonny Lewis, City Manager and Mrs. Jane McGee, Clerk of Council.

The Pledge of Allegiance was led by Officer Terry Smith.

Mr. Hall made the motion to approve the Clerk's Journal and accept the tapes as the Official Minutes of the September 19, 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.

PRESENTATION - MENTAL HEALTH RECOVERY SERVICES OF WARREN/CLINTON COUNTIES – MR. DON SHRIMPLIN, MHRS BOARD MEMBER

Mr. Shrimplin stated that he is here about their levy on the November 8, 2016 ballot. He has been on the Board for 8 years and has learned that mental health problems are common. The Mental Health Recovery Services of Warren/Clinton Counties is a renewal levy, one mill for 5 years and the County Auditor says a homeowner, per \$100,000 valuation, will pay \$25.46/year. They are concerned with the preservation of families & services to children. They advocate monies to agencies that work to support the families thru counseling and treatment. They are in every school system in Warren & Clinton County providing prevention services. Also, they support the organization NAMI, which supports family counseling, training and support groups. He noted that they have been good stewards of their money; have seen a 70% increase of need for services and serve Warren and Clinton Counties. They also work with other agencies in the County so not to duplicate services. The levy is Issue 15 on the ballot and urged everyone to vote for it. He then introduced Colleen Chamberlain, Board Staff Member, who is also present tonight.

Mr. Bray asked what the last levy passed by. Mr. Shrimplin stated that it passed by 63% - 65%.

Mayor Centers thanked him for being at tonight's meeting.

PRESENTATION - OFFICER TERRY SMITH – 25 YEARS OF SERVICE

Chief Russ Whitman stated that Police Officer Smith is retiring after 25 years of service to the City. He has served as the School Resource Officer for eight years and as a Detective for 3 years. He has been an exemplary officer and outstanding employee. Officer Smith will stay on as a Reserve Officer.

Mayor Centers stated he's done a great job for the City and thanked him for the contributions that he has made to the City. As Brent has said, who was a student at the High School when you were the Resource Officer, how much the kids respected you, how well you did the job, how you helped the students and their families – we were aware of this also. Mayor Centers & Council presented a plaque to Officer Smith recognizing his 25 Years of Service to the City. Officer Smith stated it's been an honor and pleasure to serve the Police Department and hopes to be around for many more years as a Reserve Police Officer.

PRESENTATION - FLAG PRESENTATION TO THE FIRE DEPARTMENT – AMERICAN LEGION

Mr. Jim Mears stated that in 2019, the American Legion will celebrate 100 years in Franklin. He along with several members of the American Legion and the Commander of the Am Vets, presented a flag to the Fire Department, to replace the current 30' x 20' flag that is worn. We are proud of the Fire Department, you are always willing to help to fly the flag when needed, i.e. sending troop's off/bringing troops home. Mr. Mears also thanked Mr. Ross Coulton for his recent help in bringing the troops home. Mr. Mears commended Chief Westendorf, members of the Fire Department and Council for all they do.

Mayor Centers stated we appreciate our service organizations and thanked them for coming tonight.

RECEPTION OF VISITORS

There were no remarks.

PUBLIC HEARING ORDINANCE 2016-12 ESTABLISHING A ONE-YEAR MORATORIUM ON THE ESTABLISHMENT OR COMMENCEMENT OF MEDICAL MARIJUANA CULTIVATORS, PROCESSORS AND/OR RETAIL DISPENSARIES WITHIN THE CITY OF FRANKLIN

Ms. Fisher stated that the State has passed a law (HB523) making medical marijuana legal, and no guidelines are in place yet. The bill also created a Medical Marijuana Control Program, to be administered by the Ohio Department of Commerce and the State Board of Pharmacy. They have a year to issue rules and/or guidelines for the Program and it could even take up to two years. There are three separate things under the new law – medical marijuana cultivators, processors and retail dispensaries. Until we see guidelines from the State how these are going to be licensed, we are recommending this moratorium for one year and hopefully guidelines will be in place by then. This will give staff time to review the guidelines and make recommendations to Council on how this should be regulated.

Mayor Centers asked if guidelines come out before the end of the year, what will the status of this be. Ms. Fisher stated it stays in place. Mr. B. Centers asked if we can extend the moratorium. Ms. Fisher stated yes, we can, and she thinks it will be 2 years before we see any rules and/or guidelines.

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 2016-12; seconded by Mr. Hall. 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.

PUBLIC HEARING ORDINANCE 2016-13 AMENDING SECTION 131.04 OF THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO, TITLED “REQUIREMENTS FOR ORIGINAL APPOINTMENTS”

Chief Westendorf stated that this enables us to continue to prepare for the upcoming hiring process to replace F/T firefighter positions which are currently vacant. State law has changed the age for original appointment to the position of firefighter from 36 to 41. This reflects that change made by State law.

Mayor Centers asked why the State did this.

Chief Westendorf stated that the State did this for a number of reasons. In trying to manage retirement costs, several years ago they implemented the DROP program & deferred retirement. Based on the number of employees that entered that program and the length of service that has been extended, which reduces State pension costs, they realized the working window is wider than what they previously expected. It’s a better opportunity to bring more active employees into the system. It’s hard to find employees to enter the fire service and he’s talked to some Police Chiefs that are also experiencing the same challenges.

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

Mr. Hall made the motion to adopt Ordinance 2016-13; 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.

EMERGENCY ORDINANCE 2016-14 AMENDING ORDINANCE 2016-03, PROVIDING APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF FRANKLIN, OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2016, AND DECLARING

Mrs. Ervin referred to her memo and noted the following:

- General Fund – increase \$71,000 – Law Library increase; transfer to Joint Recreation Fund & to Police Pension Fund
- Joint Recreation – \$0 – transfer from “other” to “personnel” account for the pool, no increase in monies
- Computer Research – + \$1,000 & In-House Monitoring +\$5,000 – they are spending money from these accounts as they are no longer used and the money being collected is from delinquent fines
- Court Special Projects – +\$50,000 – increase for purchase of recording equipment
- Recreation – +\$2,100 – re-appropriation of Special Event monies received
- Water – +\$10,000 – utility billing refunds & adjustments
- Police Pension – +\$35,000 – financial processing change

There were no questions.

Mr. Bray made the motion to adopt Ordinance 2016-14; 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.

CITY MANAGER’S REPORT

Mr. Lewis reported on the following:

- We are working on the clean-up at Swifty & Pilot’s lot. He talked to Darren of Franklin Boxboard twice last week and it is to be cleaned-up by today, but he hasn’t checked it yet. Darren is the new owner and he said he would keep the property cleaned-up.
- Need a Public Works Council Committee meeting next week and Mr. Hall is the Chairman – need to go over some projects. Meeting is scheduled for Monday, 11/10/16 at 2:45 p.m. (Mr. Hall, Mr. Bray and Mayor Centers on the Committee)
- The property on Millard Drive has gone to Court, one resident is out, and the other resident is still there (on the bottom level). He has talked to Greg and the case has been continued and the time for him to get out has been extended. Mrs. Fouts stated that both tenants are still there and Mr. Hall added the stuff outside is still there. Mr. Lewis stated he will check on it and keep Council informed.

Ms. Fisher, Law Director, and Mrs. Ervin, Finance Director, had no comments tonight.

COUNCIL COMMENTS

Mr. Hall thanked Chief Whitman in regards to the clown incidents around town and hope that no one gets hurt because of this. Also, he has had some issues with his mom and he appreciates Chief Westendorf and the crew. While at the hospital with his mom, he also observed how professional they were and thanks for the Fall Fest information.

Mrs. Fouts stated congrats to Chief Whitman on having someone like Officer Smith on staff, have known him a long time, he’s always been very professional and glad he is going to be around. Mrs. Fouts asked Chief Whitman if there is any set protocol on letting businesses know if there is a robbery. Chief Whitman stated no set protocol on notification. Mrs. Fouts stated Circle K has made changes to their

in/out driveway. When you are sitting at the light and want to make a right hand turn onto SR 73, its dangerous – can't see around the sign and the parked cars. Mr. Lewis stated he will check on it. Mrs. Fouts asked if any permits on the old Marsh building have been taken out and if so, was it for a flea market. Mr. Lewis stated he has talked with the new owner, told him what was allowed and to check the zoning before renting any space out. Specifically told him flea markets aren't allowed. Mr. Ruppert asked what is approved for there (the old Marsh Building). Mr. Lewis stated C-2, general commercial, grocery store/retail space and he will monitor it.

Mr. Aldridge congratulated Officer Smith, thanked him for his service and glad he's staying around as a Reserve Officer. Mr. Aldridge also recognized Mr. Mears for being involved in all of the veteran organizations – we have a lot of community pride & support our veterans.

Mr. B. Centers thanked Mr. Shrimplin for the information on the Mental Health levy. Also, he appreciates Mr. Mears, the Fire Department and Mr. Bray for working with the veteran organizations. Mr. B. Centers stated Officer Smith is much loved in the school and the community. Mr. B. Centers stated he'd like to schedule an Economic Development Council meeting on October 13, 2016. He has meet with Ms. Mallory Greenham, the Director of Downtown Economic Development for Middletown (Executive Director of Downtown Middletown). She works for a non-profit. He meet with her and she explained what she is doing and how she got involved at Middletown. The Savory Bakery, who was looking for a place in Franklin, he talked with him and asked him what happened. He said the space downtown vs Middletown and you don't have Mallory Greenham. He explained it is a non-profit organization, cost is very minimal for the City and they work with one town at a time. The last one she did was Marietta. He has visited downtown Marietta and its beautiful. He has invited her to an Economic Development Council Committee meeting and it's something we can consider. She is available October 13th to meet, around 4:00 p.m. or 4:30 p.m. After some discussion, a meeting will be scheduled for October 13, 2016 @ 4:00 p.m. (Mr. B. Centers, Mayor Centers and Mr. Ruppert on this committee)

Mr. Ruppert congratulated Officer Smith on his service. Mr. Ruppert thanked Chief Whitman on his handling of the news media - Channel 9 and 5, etc., very professional. Mr. Ruppert stated last Sunday, his mother & father in-law had a fender bender on Second Street. Officer Colvin handled it and his handling of them, keeping them calm, etc., was remarkable. He did an outstanding job and was very professional. Mr. Ruppert stated he wanted to personally thank him. Chief Whitman stated a copy of the email he sent will be put in Officer Colvin's personnel file. Mayor Centers told of an instance also, where a resident said a local police officer offered assistance (lights not on) instead of issuing a ticket.

Mr. Bray stated he attended Cornerstone Church last Saturday, they had a fist time 'Community Days' event and it went very well. They said they'd like to do some kind of 'quality of life event' for the community and to let them know if we had any suggestions. Also, attended Officer Smith's retirement party, lots of people attended, and in twenty-five years, he has no incidents, etc. in his file. We had a Finance Committee meeting tonight and went over the following: budget appropriations on tonight's agenda; updating the City's Investment Policy; Capital Improvement Fund, what projects we want to do and how to finance; will be applying for firefighter grants; looking at purchasing an EMS ambulance; and talked about employees who can retire in the next four years, 20% of staff will have 25 – 30 years with the City, looking at budgeting money so to be prepared for future retirements. Potential payouts: 2017 - \$317,107.01; 2018 - \$148,129.44; 2019 - none; 2020 - \$146,601.68). Mr. Aldridge stated that is a lot of money, but a good problem to have. Mr. Bray thanked everyone for coming tonight.

Mayor Centers stated he'd like to start a 501c3 for children advocate, since the Catholic Church was doing that and has moved out of the City, especially since we had the news item of the little boy trying to sell his teddy bear. Also, maybe a possibility of working with the Cornerstone Church on doing this. Mr. Lewis asked if the City can have a 501c3. Ms. Fisher stated, no, that it can't be affiliated with the City –

has to be a stand-alone organization. Mayor Centers asked if we could create an organization within the Police Department to do this. Ms. Fisher stated no, it has to be a separate organization, cannot be affiliated with the City. Mayor Centers asked if it can't be a 501c3, is there another way the City can do it. Ms. Fisher stated no, not thru the City, but an outside group or Church can do one. Mayor Centers stated this is something that he wants to keep within the City, not county wide or township. He then asked about the police organization – Chief Whitman stated that's the Franklin Police Association and they do something similar. Chief Whitman stated they are not a 501c3, but are working on it. Mayor Centers stated a lot of money came in for the family after it was on TV and he thinks we should control it and doesn't know if it's even here now. Chief Whitman explained what happened with the money that was received, it is here, it went to St. Vincent DePaul, and over \$10,000 is in a trust fund for the family - Darlene Hicks, Matt Wilcher & Chuck Wolfinbarger are the trustees. Chief Whitman explained how the trust fund will work. Mayor Centers asked Council if we need to start a new child advocate through the Church or keep it through Reverend Wolfinbarger, or what? Mr. B. Centers stated the government shouldn't be involved. Mr. Hall added we need to talk to a Church or to Reverend Wolfinbarger's Church to see if they want to do it and Reverend Wolfinbarger is a only a trustee for that family. Mr. Ruppert stated if you have a 501c3 that's available, you can make a separate branch off of it. He stated his family is going through one now for a foundation and explained how it works. We have donated to people in need around the City. Mr. Bray asked who is in charge of it and if they have rules/guidelines. Mr. Ruppert stated he is, along with his two sons, and 'it's for the betterment of the people in the City' to help anyone in need from the City. He explained how it works. Mayor Centers added he'll talk with Chuck Wolfinbarger. Mr. Ruppert added if anyone knows of someone in town that needs help, to let him know.

Mayor Centers asked about a work session at the next Council meeting. He referred to the list of 16 items that Council put together. The first one was downtown and that was discussed on 5/16/16; murals, they will be done; budget; adding decorative pieces, talked about decorative lighting on the bridge and asked the status of that – Chief Westendorf stated money is the issue. Mr. Lewis added it was \$400,000+. Mayor Centers asked Council what they want to talk about at the next meeting. Consensus is downtown, economic development and lighting as the items for the work session.

Mayor Centers stated another thing he wants to talk about is bringing Mr. Don Vermillion back for a planning session as he thinks it would be advantageous to do for our planning meeting after the first of the year. After some discussion about the cost, Mayor Centers stated we won't bring Mr. Vermillion back but he'd like to have more discussion next time. Discussion continued on when to meet; legislation needed at the first January meeting; no January meeting scheduled as the 1st Monday is a holiday and the 3rd Monday is Martin Luther King day; Committees of Council appointments and it was agreed to keep them as is; and will need to schedule a January meeting as Council is required to meet at least once a month. After some discussion, it was agreed a Council meeting/work session will be scheduled for the 1/21/17.

EXECUTIVE SESSION

Mayor Centers stated that an executive session is needed to discuss personnel. Mr. Bray made the motion to enter into executive session to discuss personnel, with no action afterwards; seconded by Mr. B. Centers. 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.

At 7:20 p.m., Mayor Centers and members of Council entered into executive session to discuss personnel, with no action afterwards.

At 7:45 p.m., Mr. Ruppert made the motion to exit the executive session and reconvene the meeting; seconded by Mr. Bray. 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.

Mayor Centers reconvened the meeting.

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 7:46 p.m.

Mayor

Clerk of Council