

FRANKLIN CITY COUNCIL
NOVEMBER 21, 2016

Members of the Franklin City Council met in regular session on Monday, November 21, 2016, 6:00 p.m. at the Franklin Municipal Building, Vice Mayor Carl Bray presiding.

Roll call showed:

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

There were two members of the press (Middletown Journal and Franklin Chronicle) and 3 visitors at tonight's meeting. Also present: Mr. Jonathan Westendorf, Fire & EMS Chief; Mr. Russ Whitman, Police Chief; Ms. Donnette Fisher, Law Director; Mrs. Karen Ervin, Finance Director; Mr. Steve Inman, Public Works Director; Mr. Barry Conway, City Engineer; Mrs. Myra Haney, Administrative Assistant; Mr. Sonny Lewis, City Manager and Mrs. Jane McGee, Clerk of Council.

The Pledge of Allegiance was led by Mr. Ben Mersch, of the Franklin Chronicle.

Mr. Hall made the motion to approve the Clerk's Journal and accept the tapes as the official minutes of the November 7, 2016 regular meeting; seconded by Mr. Ruppert. The vote:

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

Motion passed.

RECEPTION OF VISITORS

Mr. Doug Greathouse, 41 E. Sixth Street, stated in the 1980's, a section of Sixth Street, by his property, was made a 'loading zone', it is no longer used and would like to see it made available for parking. Mr. Lewis will look at it.

ORDINANCE 2016-15 PUBLIC HEARING AMENDING CERTAIN SECTIONS AND ENACTING SECTIONS 311.19 AND 375.051 OF THE CITY OF FRANKLIN TRAFFIC CODE TO BE CONCURRENT WITH STATE LAW THROUGH JANUARY 1, 2017

Ms. Fisher stated that this is our twice a year update to the traffic code. These changes makes our code match State Code through January 1, 2017.

The changes are:

Section 311.19 Enact new section with new state law regulating the operation of low-speed vehicles, under-speed vehicles, utility vehicles, mini-trucks, motor-driven cycles and motor scooters.

Section 335.03 Amend to add subsection (b)(3), which requires holder of a temporary permit for operation of a motorcycle, motor-driven cycle, motor scooter or motorized bicycle to have the holder's temporary instruction permit and temporary instruction permit identification card in his or her immediate possession.

Section 341.01 Amend to add "moped, motor-driven cycle and motor scooter" to list of vehicles required to display plate on the rear only.

Section 373.08 Amend to exempt auto cycles from the safety glasses requirements for motorcycles and to require operators with temporary permits to wear helmets for auto cycles and cab-enclosed motor cycles.

Section 375.01 Amend to add mini-trucks to list of special vehicles exempt from registration requirements.

Section 375.051 Enact new section with new state law regulating the operation of mini-trucks.

Section 375.15 Amend to add definition of "mini-truck."

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

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

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

Motion passed.

ORDINANCE 2016-16 PUBLIC HEARING AMENDING CERTAIN SECTIONS AND ENACTING NEW SECTIONS AND CHAPTERS OF THE CITY OF FRANKLIN CODIFIED ORDINANCES, PART ONE - LEGISLATIVE, ADMINISTRATIVE AND JUDICIAL CODES

Ms. Fisher stated that this is a complete update to Part One – Administrative Code of the City's Codified Ordinances as some sections haven't been updated since the 60's, 70's & 80's. Ms. Fisher continued with a brief outline of the proposed changes. The committee talked about increasing Council's salary which hasn't been increased for over 20 years. Title Five – Administrative Code, has been organized and updated. The biggest change is Chapter 143 & 145 as they have been combined in Chapter 143. Also, changes to Chapter 171, Title Seven, Boards & Commissions and Title Nine, Judicial Code. The Government Affairs Council Committee has reviewed this over the past several months.

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

Vice Mayor Bray stated that Mrs. Fouts is Chairperson of the Government Affairs Council Committee, and the Committee spent several months reviewing the Chapter.

Mrs. Fouts stated she was surprised how long it had been since this Chapter had been reviewed; how minutes are to be recorded on a cassette tape and made it gender neutral. Also, we talked about Council's

salary, long & hard debates on this, it's been 20+ years since the last increase and for future Council's as the State has many mandates that we need to do something about a lot of these things.

Mr. B. Centers stated that they talked about Council Committees and decided to leave them as is. Also, compensation was a big discussion and a raise will enable Council to be eligible for benefits. He used Mr. Hall as an example – he's spent 17 years of service to the Community, has paid PERS and will get no benefits. For future Councils', that's what we were considering. This has been uncomfortable for everyone to talk about. We have to consider is it right or wrong to pay into PERS and get no benefits. We were very uncomfortable talking about this. Also, he's been thinking about Mr. Ruppert's comment about an outside committee to review this – that's not the way the system is set up. But, maybe the Charter Review Committee could review Council's salary – every five years (as they are required to meet every five years) and make a recommendation to Council. Mr. Bray stated the Charter Review Committee can do that – we give them recommendations and they also can make recommendations to us. Mr. B. Centers stated he thinks it's a good idea – it fixes what hasn't happened in 20 years – have the Charter Review Committee review it every 5 years.

There was some discussion on the Charter Review Committee reviewing Council's salary and would be a way to keep up with State Law.

Mr. Ruppert stated he doesn't disagree with that portion of it. He has talked to a lot of people – pro & con. It's money (\$4,000 x 7) that can go towards a project. He understands what is being said, should get a benefit out of it if they've put in the dedication to work for the City that long – might also encourage others to run for Council.

Mr. Aldridge stated he shares Mr. Ruppert's comments on this topic – wish the State set the salary. He continued he can't vote to give himself a raise and he understands why to do it. Mr. Aldridge asked even if not vested in PERS, will we get our money back that we pay into PERS. Mr. Lewis stated yes, you do.

Mr. Bray stated if someone runs for another office (County or State), he thinks their time from another City, etc.) should count.

Mr. Hall stated he's worked for the City technically for 30 years and he won't draw a dime – but that's because of my profession as I can't draw from both (PERS & SERS). I've paid into it for a long time and can't touch any of it – that's one way to look at it. Also, it's been 20 years since there's been a raise for Council.

Mr. Aldridge stated none of us are doing it for the money, but that he'd probably do it anyway. My feeling – perception is - it's not a lot of money, its 50% increase. He's looked at some salaries, from 2013 that go from \$4,600 year to \$15,800 year. It's unfortunate that the State has changed it from being vested after serving ten years.

Ms. Fisher stated that if you vote for the increase, it won't become effective until 1/1/18.

Mrs. Fouts stated that makes her more comfortable with the effective date being 1/1/18. This is for future Council's and it's not about the money.

Mrs. Fouts made the motion to adopt Ordinance 2016-16; seconded by Mr. B. Centers.

Mr. Aldridge asked if we're amending the Ordinance. Ms. Fisher stated that needs to be done before adopting it. Mr. Aldridge stated he wants to amend the Ordinance by removing the amendment and leave the current language. Mr. B. Centers asked if he wanted to wait until Mayor Centers returns. Mr.

Aldridge stated he's okay with proceeding and he didn't think there's a rush to do this. There was some discussion on how to proceed.

Mr. Ruppert then made the motion to withdraw the motion to adopt Ordinance 2016-16; seconded by Mr. Aldridge. The vote:

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

Motion to withdraw the motion to adopt passed.

Mr. Hall made the motion to amend Ordinance 2016-16 by removing the proposed Section 111.02 and keeping the current language of Section 111.02; seconded by Mr. Aldridge. The vote:

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

Motion passed.

Ms. Fisher explained that the Charter says if the motion to amend passes, Council must then vote on whether the proposed amendment is "a matter of substance". If the amendment is of substance, then we have to restart the process. Ms. Fisher added it is her opinion, legally, that this amendment would not be a matter of substance as the current language is being kept. A motion/second is not needed, only have to vote on whether the proposed amendment is a matter of substance and the Mayor/Vice Mayor is to call for a vote.

Vice Mayor Bray called for a vote on if the proposed amendment is a matter of substance.

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

Motion passed.

Mr. Hall made the motion to adopt Ordinance 2016-16, as amended; seconded by Mr. Ruppert. The vote:

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

Motion passed.

TABLED RESOLUTION 2016-51 AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE CITY OF SPRINGBORO FOR POLICE PROTECTION IN HAZELWOOD PARK

Mr. B. Centers made the motion to untable Resolution 2016-51; seconded by Mr. Aldridge. The vote:

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

Motion passed.

Resolution 2016-51 is untabled.

Chief Whitman stated that this is the agreement between the City and the City of Springboro which was tabled at the last meeting. We are all in agreement. The Park is owned by the City of Springboro and it is located in the City of Franklin. Also, calls will go to 911 – the City will respond, will contact Springboro and they will do the reporting. This allows the City to take action in the Park and will contact Springboro. Arrests will go to the Franklin Municipal Court; Springboro will handle the reports and we will patrol.

Mr. Ruppert asked if they are going to put soccer fields in the Park. Chief Whitman stated, yes they are.

Mr. Hall made the motion to adopt Resolution 2016-51; seconded by Mr. Ruppert. The vote:

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

Motion passed.

ORDINANCE 2016-17 EMERGENCY PROVIDING TEMPORARY APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EMERGENCY EXPENDITURES FOR THE CITY OF FRANKLIN, OHIO, THROUGH MARCH 31, 2017

Mr. Lewis stated this is the temporary budget for the first 3 months of 2017. The final budget will be presented before March 31, 2017.

Mr. Lewis noted the following:

- The Police Department's budget increased \$286,320
- The Court budget increased \$26,870. This is the first full year with the Magistrate & Drug Court. Probation increased \$30,890. Total Court & Probation increased \$128,260
- Transfers included are to Street, Fire & EMS, Joint Recreation Fund, Recreation, Bond Retirement, Street lighting, MCD Fund, Police Pension Fund for a total of \$2,281,040

Mr. Lewis stated the following capital improvements are included in the 2017 temporary budget with approximate costs listed:

- Police Department: 3 equipped cruisers (approx. \$135,000); air conditioning for the upstairs office & conference rooms (approx. \$35,000)
- Municipal Court: Sound system & scanners for the Court room (approx. \$60,000 Special Projects Fund)
- Fire: replace ambulance (approx. \$58,000) and Station 16 remodel (approx. \$120,000 over 2-3 years)
- Street Fund: Summer Street paving (approx. \$200,000); sidewalk replace program (approx. \$400,000)
- Issue Two Fund: Riley Blvd. Paving Project (est. \$1.07 million, City cost \$343,715; Stadia Drive Improvements (est. \$101,215, City cost \$52,000); Hemlock St. Improvements (est. cost \$232,500, City cost \$116,000)
- Water: mini Excavator (est. cost \$48,000); replacement hydrants (est. cost \$25,000); clean well (est. cost \$25,000); Hemlock Water Replacement (est. cost \$14,000)
- Public Works: Dump Truck (est. \$125,000, split between water, sewer, street, stormwater)
- Pay increases: Police 3%; Fire 2.5%, Public Works 3%,; Non-Union 3%

Mr. Hall questioned the fire remodeling. Mr. Lewis stated they are refiguring the bunk room – adding 3 more bunks.

Mr. Lewis stated that this has gone to the Finance Council Committee.

Mr. Hall made the motion to adopt ordinance 2016-17; seconded by Mr. Ruppert. The vote:

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

Motion passed.

RESOLUTION 2016-54 PRELIMINARY LEGISLATION GRANTING CONSENT TO ODOT FOR BRIDGE INSPECTION PROGRAM SERVICES

Mr. Lewis stated that this gives ODOT permission to do our bridge inspections and they assume all the costs. We have done this before.

Mr. Aldridge made the motion to adopt Resolution 2016-54; seconded by Mr. Hall. The vote:

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

Motion passed.

RESOLUTION 2016-55 APPOINTING CARL BRAY AND TODD HALL TO THE VOLUNTEER FIREFIGHTERS' DEPENDENTS FUND BOARD FOR 2017

Ms. Fisher stated we are required to establish this Board. Council is to appoint two members to the Board and the Fire & EMS Division will also elect two board members and then the four Board members will

meet on December 5th to elect the fifth member of the Board. Mr. Bray and Mr. Hall were on the Board for 2016 and have agreed to serve for 2017.

Mr. Aldridge made the motion to adopt Resolution 2016-55; 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 | absent |

Motion passed.

**RESOLUTION 2016-56 APPOINTING TODD HALL AND CARL BRAY TO THE
VOLUNTEER PEACE OFFICERS' DEPENDENTS FUND BOARD FOR 2017**

Ms. Fisher stated that this is a new Board, Volunteer Peace Officers Dependents fund Board, created by the State and is similar to the Volunteer Firefighters Dependents Fund. This appoints Mr. Hall and Mr. Bray, who also serve on the Volunteer Firefighters Dependents Fund Board.

Mr. B. Centers made the motion to adopt Resolution 2016-56; seconded by Mr. Ruppert. The vote:

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

Motion passed.

**RESOLUTION 2016-57 AUTHORIZING THE CITY MANAGER TO EXECUTE THE
REVISED MONTGOMERY COUNTY MUTUAL AID POLICE AGREEMENT ON BEHALF OF THE
POLICE DIVISION**

Mr. Lewis stated that we've had this agreement since 1993 and this updates the agreement with Montgomery County for mutual aid. We have no objections.

Mr. Hall made the motion to adopt Resolution 2016-57; seconded by Mr. Aldridge. The vote:

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

Motion passed.

**RESOLUTION 2016-58 AUTHORIZING THE SUBMITTAL OF APPLICATIONS FOR
FEDERAL FAST ACT FUNDS THROUGH THE MIAMI VALLEY REGIONAL PLANNING
COMMISSION**

Mr. Lewis stated this is the first step in the application process, with funds to be distributed in 2022 and 2023. If the City receives funding, our share would be 20%-30% of the project cost. Applications are being submitted for the following projects.

- SR 123 at Franklin Community Park Driveway/Franklin Elementary School Driveway Intersection Improvements, installation of traffic signal and realignment of the Park's driveway (estimated local share \$296,465, funding year 2022)
- Clear Creek Bike Path Connector – bike path from Hazelwood Park to Community Park (estimated local share \$737,043, funding year 2022)
- SR 123 at Shotwell Drive/Beal Road Intersection Improvements – install traffic signal at Shotwell & realignment of Beal Road (estimated local share \$613,333, funding year 2023)
- Downtown Signal Management System Phase 3 – replace traffic signals at Fourth Street & Main, Sixth Street & Main, and Sixth Street and River (estimated local share \$457,318, funding year 2023)

Mr. Lewis added that we are putting money back for the projects and the Riley Boulevard project will be done this year. This has gone to the Public Works & Utilities Council Committee.

Mr. Ruppert made the motion to adopt Resolution 2016-58; seconded by Mr. Aldridge. The vote:

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

Motion passed.

WORK SESSION: DOWNTOWN

Mr. B. Centers stated that the Economic Development Council Committee met with Mallory Greenham. She currently works for a non-profit in Middletown and was at Marietta, Ohio previously. She explained how the non-profit committee works. A board is formed of 9-10 people, who work outside government; the board reports to Council; every member has to chair a project; will eventually apply for Main Street status with the State. Also, have contacted Heritage Ohio for information and they're excited about doing this; will have a DART visit to meet with City officials, employees & Council, and they will guide us. Also we will have meetings with residents and businesses downtown to get them involved.

Mr. Aldridge asked if they will review our Downtown Comprehensive Plan. Mr. B. Centers stated, no they will come up with a plan. He asked if we pay them and then they fail, what happens – she said they don't fail. For the City of Middletown, from the DART visit to starting implementation, it took four years. We will be paired with someone who has the same visions as we do.

Mr. Bray asked what the next step is. Mr. Lewis stated we have to contact Heritage Ohio to schedule a DART visit, cost approximately \$2,000, and have to have passionate people be involved.

Mr. Aldridge stated it sounds like a good idea. Mr. Hall stated we paid lots of money for the Comprehensive plan, have not seen any really big changes and he thinks this is a good idea.

Mr. B. Centers stated the biggest asset is networking with other cities on what has worked.

Mr. Lewis added you don't have to be a City resident to be on the board – there is no City involvement. If everyone agrees with this, he will contact DART and get the visit scheduled. All of Council agreed to proceed with the DART visit.

Mr. B. Centers stated he's working on a forum of downtown businesses to meet with the Economic Development Council Committee to get their input. He will compile a list of concerns and send it out to businesses for their input and reduce the list to 5 items.

CITY MANAGER'S REPORT

Mr. Lewis wished everyone a Happy Thanksgiving.

COUNCIL COMMENTS

Mr. Hall stated the striping will work out better and make traffic flow better; wished everyone a good holiday and go BUCS.

Mrs. Fouts stated there's a problem with the traffic light at Main/River Sts. Mr. Lewis stated that the loop has been cut and they are working on it.

Mr. Aldridge wished everyone Happy Thanksgiving and expressed sympathy to the Dunlap Family on Lees' recent passing.

Mr. B. Centers stated condolences to the Dunlap Family and to Mr. Ed Richter, awesome article on the Drug Court that's in today's Middletown Journal.

Mr. Ruppert stated condolences to the Dunlap Family, Lee was always positive and will be missed. Also, Happy Holidays.

Mr. Bray stated that Lee was a great guy and will be missed and that Coy Adams, 94 years old and a resident of Franklin Township, passed away and services will be tomorrow – he was a WWII veteran.

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

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

Motion passed.

Vice Mayor Bray adjourned the meeting at 7:30 p.m.

Mayor

Clerk of Council