

FRANKLIN CITY COUNCIL  
JULY 17, 2017

Members of the Franklin City Council met in regular session on Monday, July 17, 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 were two members of the press and 11 visitors at tonight's meeting. Also present: Mr. Russ Whitman, Police Chief; Mr. Jonathan Westendorf, Fire & EMS Chief; Ms. Donnette Fisher, Law Director; Mr. Barry Conway, City Engineer; Mr. Steve Inman, Public Works Director; Mr. Ross Coulton, Assistant Safety Director; Mrs. Karen Ervin, Finance Director; Mrs. Myra Haney, Administrative Assistant; Mr. Sonny Lewis, City Manager and Mrs. Jane McGee, Clerk of Council.

The Pledge of Allegiance was led by Mayor Centers.

Mr. Bray made the motion to approve the Clerk's Journal and accept the tapes as the Official Minutes of the June 19, 2017 regular meeting; seconded by Mr. Hall. The vote:

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

Motion passed.

#### RECEPTION OF VISITORS

There were no visitor remarks tonight.

#### PUBLIC HEARING ORDINANCE 2017-13 PROVIDING FOR THE ELECTION ON AMENDMENT TO SECTION 8.04(A) OF THE CHARTER OF THE CITY OF FRANKLIN, OHIO

Ms. Fisher stated that the Charter Review Commission recommends that the following amendments be placed on the November 7, 2017 election ballot.

This proposed amendment to Section 8.04 (a) The Civil Service Commission, removes the restriction that not more than three members of the Civil Service Commission can belong to the same political party. The Civil Service appointments should be nonpartisan, just like the municipal elections and appointments to all other City Boards and Commissions are. The Civil Service Commission is not the hiring authority of the City – the City Manager is.

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

Mr. B. Centers made the motion to adopt Ordinance 2017-13; seconded by Mr. Aldridge. 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 2017-14    PROVIDING FOR THE ELECTION ON  
AMENDMENT TO SECTION 4.10 OF THE CHARTER OF THE CITY OF FRANKLIN, OHIO

Ms. Fisher stated that this amendment 1) reduces the number of technical codes that the Clerk must keep on hand from three to one and 2) removes the requirement that the Clerk keep copies of technical codes on hand to sell to the public. Ms. Fisher added that most of these technical codes are currently available online.

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

Mr. Hall made the motion to adopt Ordinance 2017-14; 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.

PUBLIC HEARING    ORDINANCE 2017-15    PROVIDING FOR THE ELECTION ON  
AMENDMENT TO SECTION 5.05(A) OF THE CHARTER OF THE CITY OF FRANKLIN, OHIO

Ms. Fisher stated that this changes the competitive bid requirement of \$25,000 to “the competitive bidding threshold as set by State Law”. The Charter requires that the City follow the State’s competitive bidding laws. The current amount of \$25,000 was the State threshold in 2002 and the Charter no longer reflects the proper State threshold. This states that the City will follow the State’s monetary thresholds and competitively bid any purchase or project that exceeds the amounts set by the State of Ohio.

Mr. B. Centers asked if we are required to match State law and if not, do we want to. Ms. Fisher stated, the Charter says we mirror State law and that threshold has risen over the years. Mr. B. Centers questioned if we want to mirror State law. There was some discussion. Ms. Fisher added that Council still has to approve any project or purchase over \$25,000. This is only for projects that are bid. Also, we have to approve the money for the project or purchase in the budget. Mayor Centers added we can visit this at a later date if it becomes a problem.

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

Mr. Bray made the motion to adopt Ordinance 2017-15; seconded by Mr. Aldridge. 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.

**PUBLIC HEARING ORDINANCE 2017-16 PROVIDING FOR THE ELECTION ON  
AMENDMENT TO SECTION 8.02 OF THE CHARTER OF THE CITY OF FRANKLIN, OHIO**

Ms. Fisher stated that this is mostly housekeeping items and amends Section 8.02 as follows:

- (e) Changes ‘Secretary to each Department Head’ to ‘Assistant to each Department Head’
- (m) combines the Division Heads all in one section and they remain unclassified. The Police Chief and Fire & EMS Chief remain as classified positions
- (n)(o)(p) are deleted as they are included in (m)
- (q) is deleted and becomes (n) Clerk of Court, Deputy Clerks of Court and other Court personnel (the Court positions are controlled by State law and (n) is added as they are unclassified)

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

Mr. Ruppert made the motion to adopt; seconded by Mr. Aldridge. 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.

**PUBLIC HEARING ORDINANCE 2017-17 PROVIDING FOR THE ELECTION ON  
AMENDMENT TO SECTION 3.03(I) OF THE CHARTER OF THE CITY OF FRANKLIN, OHIO**

Ms. Fisher stated that this amends Section 3.03 (i) by reducing the number of required, on-site postings of intent to sell property from 2 to 1. Also, it adds an exception that property owned by the City may be sold, with an affirmative vote of a least five members of Council, to another governmental entity, the United States, or the State of Ohio, without requiring Council to waive the competitive bidding requirement by resolution.

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

Mr. Bray made the motion to adopt Ordinance 2017-17; seconded by Mr. Hall. 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.

PUBLIC HEARING   ORDINANCE 2017-18   ENACTING SECTION 165.05 OF THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO, TITLED “STORMWATER REPLACEMENT FUND”

Mrs. Ervin stated we currently have a Water Replacement Fund and a Sewer Replacement Fund that are used to set aside monies for capital projects. This creates a Stormwater Replacement Fund in which we can also set aside monies for capital projects.

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

Mr. B. Centers made the motion to adopt Ordinance 2017-28; seconded by Mr. Ruppert. 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.

PUBLIC HEARING   ORDINANCE 2017-19   AMENDING SECTIONS 1111.08 AND 1113.04(L) OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE

Mr. Lewis stated that 1111.08 amends the size of temporary banners, wall signs and pennants from 16 sq. feet to 150 sq. feet. Also, wall signs are being increased from 150 square feet to 200 square feet. Mayor Centers asked if this includes the downtown area – it does not.

Section 1113.04 adds an exception to allow nonconforming single-family residences located in non-residential districts to be rebuilt, restored and reoccupied if the residence is destroyed or damaged.

Mr. Lewis added that this has been to the Planning Commission and was approved.

Mr. B. Centers asked if this will affect the Park. Mr. Lewis stated, no, the Park has separate regulations.

Mr. Fouts asked about banners that are flags. Mr. Lewis stated it doesn't affect them – they are still illegal.

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

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

**PUBLIC HEARING   ORDINANCE 2017-20   AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRANKLIN, OHIO, TO REZONE THE PROPERTY LOCATED AT 3789 LOWER SPRINGBORO ROAD FROM R-1A, ESTATE RESIDENTIAL DISTRICT, TO PAR, PARKS AND RECREATION DISTRICT**

Mr. Lewis stated that the City of Springboro has requested that we rezone Hazel Wood Park (3789 Lower Springboro Road) which is located in the City of Franklin. This has been to Planning Commission and they have approved it.

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

Mr. Bray made the motion to adopt Ordinance 2017-20; seconded by Mr. Aldridge. 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 2017-38   AWARDING THE BID AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH W.G. STANG, LLC, FOR THE 2017 SIDEWALK REPAIR PROJECT**

Mr. Conway stated that this is for Phase 2 of the sidewalk replacement program.

The following bids were opened at the July 12, 2017 bid opening:

W.G. Stang	\$112,950.00
R.A. Miller Company	\$125,165.00
Adleta Construction	\$170,050.00
Belgray Inc.	\$176,400.00

Mr. Conway stated that we can't award any bid that exceeds the Engineer's estimate by more than 10%. The three bids of R.A. Miller Company, Adleta Construction and Belgray exceeded the estimate of \$110,000.00 by more than 10%. We are recommending to award the bid to W.G. Stang which did not exceed the 10% threshold.

Mr. Aldridge asked if the companies know what the engineer's estimate is. Mr. Conway stated that they know what it is as it's included in the bid documents.

Mr. Hall made the motion to adopt; 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.

**RESOLUTION 2017-39           AWARDING THE BID AND AUTHORIZING THE CITY MANAGER  
TO EXECUTE A CONTRACT WITH ADLETA CONSTRUCTION FOR THE 2017 HEMLOCK  
STREET RECONSTRUCTION PROJECT**

Mr. Conway stated the following bids were opened at the July 12, 2017 bid opening:

Adleta Construction     \$260,856.30  
W.G. Stang LLC           \$275,210.00  
Ford Development Co.   \$284,094.00

The engineer's estimate was \$260,000.00 and we recommend to award to Adleta Construction. OPWC grant funds will cover \$112,500 of the project's cost and the City is responsible for the remaining cost.

Mr. Bray made the motion to adopt Resolution 2017-39; 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.

**INTRODUCTION OF NEW LEGISLATION**

Mayor Centers introduced the following legislation. Public Hearing will be held at the August 7, 2017 meeting.

Ordinance 2017-21     Levying Assessments for the Improvement of City Streets and Public Ways by the Lighting Thereof for the Year 2018

Ordinance 2017-22     Amending Chapter 541. "Property Offenses," and Enacting Sections 541.111 and 541.17 of the City of Franklin Codified Ordinances

**CITY MANAGER'S REPORT**

Mr. Lewis reported on the following:

- The 2016 Annual Report from Warren County Soil & Water Conservation District is in the packet.
- On July 24, 2017, in partnership with the Franklin Library, the area between the Franklin Library and the Police Station will be 'an internet safety zone'.

- National Night Out – sponsored by the Police Department and will be August 1, 2017 at the Franklin Community Park, 5 p.m. to 9 p.m.
- The Planning Commission approved a conditional use at the complex where Save-A-Lot is - a BBQ place plans to locate where the old/new furniture store was. Also, they approved a 30,000 sq. ft. addition for Crawford Metals on Industrial Drive.
- Movies in the Park is this Saturday, July 22, 2017.
- Heritage Ohio has been meeting; selected “Forever Franklin” as their name; and working on obtaining a 501c3. The officers are: Amy Johnson, Chairman; Rodney Roberts, Vice Chairman; Tom Wiggershaus, Treasurer and Myra Haney, Secretary.

## COUNCIL COMMENTS

Mr. Hall stated great job on the 4<sup>th</sup> of July and thanks to all that were involved. Mr. Hall asked about the light pole at the Swifty Station – this has been taken care. Congratulations to Ms. Fisher and glad to see the paving started.

Mrs. Fouts asked for an update on Cohen’s project – to buy Mindlin’s. Ms. Fisher stated we are working on a use agreement and hope to have it on the next Council agenda. Mrs. Fouts asked if we can talk to the State about the 45 mph speed limit on Second Street. Mr. Lewis stated we can talk to them and that there is a procedure we have to go thru. Mrs. Fouts stated several citizens have asked her about the speed limit since the recent death – need to look at. Mr. Hall added part of the problem is that there is no sidewalk on one side of Second Street and people won’t walk on the sidewalk side. Mrs. Fouts asked about ‘soft billing of ambulance bills’. She remembers talking about it and she understood that if insurance made a partial payment, the remaining amount wasn’t pursued. She has received a complaint from a resident who said her insurance paid a partial payment and she’s being billed for the remainder of the cost. She thought when the levy was passed, if insurance made a payment, there wouldn’t be anything else due. Mrs. Fouts also asked who pays for overdose calls. Chief Westendorf briefly explained that everyone is required to have insurance coverage and there are many different types of insurance plans. Most overdoses are on Medicaid or Medicare and they pay a portion of the cost. Those with private insurance are also required to pay. He briefly explained that if the insurance company makes the payment to the patient, we do bill the individual as that payment is owed to the City. Chief Westendorf added for Mrs. Fouts to have the resident call him as there are many variables involved and it’s complicated. Mrs. Fouts then asked if the Fire Department employees are all crossed trained. Chief Westendorf explained the majority are crossed trained but we do have some that are EMT’s only and fire only.

Mr. Aldridge thanked Special Events Committee. The 4<sup>th</sup> of July parade was a great event and the fireworks were awesome. Mr. Aldridge voiced concerns about the wrestlers that were in the parade – it was an embarrassment and not for kids. He asked if we can do anything to avoid this in the future. Ms. Fisher stated their participation in the parade is commercial speech and we can have regulations for commercial speech. Also, we have talked about having a dress code. Mayor Centers stated that they were scaring the kids along the parade route. Chief Westendorf stated he wasn’t aware of a problem with them last year, aware of this now and it will be addressed. Mayor Centers added that last year, they waved a Japanese flag.

Mr. B. Centers added his compliments on the 4<sup>th</sup> of July parade & celebration. He added that Heritage Ohio is comprised of a good mix of Franklin residents. We are working on a logo, a mission statement and obtaining 501c3 status.

Mr. Ruppert stated congrats to the Police Department – hearing all good compliments. He added that he had 28 people in his relative’s driveway to watch the fireworks – beautiful site. Also, he’s looking

forward to the Police National Night Out and thanked them for all their work. Mr. Ruppert wished Ms. Fisher good luck.

Mr. Bray stated everything has been said – fireworks, parade, etc. all was great.

Mayor Centers thanked Ms. Fisher for her service – she’s resigning to take the Law Director’s position at the City of Xenia. She’s done an outstanding job, we will miss you and thanks for the job you’ve done.

Mr. B. Centers added that he had friends (from out of town) in for the 4<sup>th</sup> of July celebration. They have told everyone that it was a great parade and are coming back next year. Also, he added that the lady who cuts his hair, usually goes to Columbus to see fireworks. He talked her into going to our fireworks. She said I was right and they won’t be going back to Columbus.

Mayor Centers stated we all appreciate the work that Chief Westendorf does and his staff.

Mayor Centers added that an executive session is needed for personnel with no action afterwards.

Mr. B. Centers made the motion to enter into executive session to discuss personnel, the resignation of the Law Director, with no action afterwards; seconded by Mr. Aldridge. The vote:

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

Motion passed.

Mayor Centers and members of Council entered into executive session to discuss personnel, the resignation of the Law Director, with no action afterwards. Mayor Centers and Council exited executive session and adjourned the meeting.

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Mayor

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Clerk of Council