

FRANKLIN CITY COUNCIL
SEPTEMBER 17, 2018

Members of the Franklin City Council met in regular session on Monday, September 17, 2018, 7:00 p.m. at the Franklin City Building, Mayor Todd Hall presiding.

Roll call showed:

Denny Centers	present
Paul Ruppert	present
Brent Centers	present
Todd Hall	present
Michael Aldridge	present
Debby Fouts	present
Matt Wilcher	present

The Pledge of Allegiance was led by Ross Coulton.

There were 6 visitors and one member of the press. Also present: Mrs. Lynnette Dinkler, Law Director; Mr. Jonathan Westendorf, Fire & EMS Chief; Mr. Russ Whitman, Police Chief; Mr. Ross Coulton, Assistant Safety Director; Mr. Barry Conway, City Engineer; Mr. Steve Inman, Public Works Director; Mrs. Karissa Steed, Assistant to the City Manager; Sonny Lewis, City Manager and Mrs. Jane McGee, Clerk of Council.

Mr. B. Centers stated he'd like to amend his remarks on page 6, to change the word 'deaths' to 'statistics'. Mr. Wilcher made the motion to approve the Clerk's Journal, with the noted amendment by Mr. B. Centers; and accept the tapes as the Official Minutes of the August 20, 2018 regular meeting; seconded by Mr. Aldridge. The vote:

Mr. Ruppert	yes
Mr. B. Centers	yes
Mayor Hall	yes
Mr. Aldridge	yes
Mrs. Fouts	yes
Mr. Wilcher	yes
Mr. D. Centers	yes

Motion passed.

RECEPTION OF VISITORS

Mr. Gene Baker, 4076 Beal Road, thanked Council and Mr. Lewis for listening and helping them on the issues with Beal Road. In front of his house, there is a big ditch and recently when mowing it, (he gets close to the edge of the road), a car when by home going at least 55 mph and also a hay truck went by. The person in the car lives on Beal Road. He appreciates the help and asked what else can be done.

PRESENTATION BEAL ROAD UPDATE

Mr. Lewis stated he's met with the Safety Council Committee and reviewed what has been done. The road has been striped; on north side of Beal (by Mr. Wright's property), a warning sign with a 25 mph warning sign underneath it has been put up; a 25 mph sign at the corporation limit and a warning sign of 35 mph ahead has been put up (Franklin Township approved) and have also ordered this as a lighted sign; speed limit on Beal Road in the Township is 55 mph, going to try and work with the Township to put up a

slower sign, 35 mph; cutting away the hillside will affect driveways; enforcement is ongoing and don't know what else we can do.

Mr. D. Centers stated we still get an occasional car going fast, that will happen and the traffic has slowed down.

Mr. Lewis stated we've done what we can without any construction work.

Mr. Baker stated that Henderson's Turf Farm is still the problem, AAA is doing better, and need to have conversations with Henderson's truck drivers. Mr. Lewis stated he called them after the first Council meeting that this was brought up and told them the City was to going enforce the speed limit. Mr. Lewis added he has talked to Mr. DeHart two times and we will ticket anyone speeding. Mr. Baker added they are not slowing down and the City needs to keep after them. Mr. Lewis added that Springboro residents also use that road that work in Franklin. We'll do whatever we can on Beal Road and anywhere else in the City. We will continue to do what we can – we'll do our best. Also, he's talked with Mr. Henderson about what we are doing and to inform all of his truck drivers. Mr. Baker added it's still a problem. Mr. Lewis stated we have situations all over town.

Mr. D. Centers stated we need to continue with the cruiser and the State Patrol sits at the Church.

Melissa Harris, 4100 Beal Road extended her personal thanks to Mr. Lewis, Chief Whitman and Council. Mr. Lewis & Chief Whitman have contacted her several times. She was recently at a golf outing in Springboro and everyone leaving was saying, not to speed on Beal Road, so word is getting out. She knows it will take time and thanked everyone for doing the best you can. Mr. Aldridge added we also want to thank the Schools for their help. Mrs. Harris stated yes, and that Mr. Lewis contacted them and went above and beyond for her daughter.

Mayor Hall stated we take your concerns seriously, there can be that one instance and hope it doesn't happen. This will take some time. We take this seriously, want to help and are doing all that we can. Mayor Hall added we appreciate all of you coming in.

PUBLIC HEARING ORDINANCE 2018-17 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRANKLIN, OHIO, TO REZONE APPROXIMATELY 62.0 ACRES, LOCATED AT THE END OF HERITAGE DRIVE, FROM O-RP, RESEARCH PARK DISTRICT, TO I-1, LIGHT INDUSTRIAL DISTRICT

Mr. Conway stated that Henkler Schueler & Associates, representing Frost Wood Farms LLC and the Hardy Family LLC, the property owners of the three properties, are requesting to have the approximate 62.0 acres, located at the end of Heritage Drive rezoned from O-RP, Research Park District, to I-1, Light Industrial District. The Planning Commission at its August 13, 2018 meeting, voted unanimously (5-0) to make a recommendation to Council to approve the rezoning. On the attached map, the three properties are highlighted & marked.

Mr. D. Centers asked why this is being changed. Mr. Lewis stated that in the past, Hardy Diagnostics was interested in the parcel and that's why it was zoned O-RP. They have now decided not to come and the zoning needs to be consistent with the surrounding land.

There was some discussion about the Comprehensive Plan and O-RP zoning.

Mayor Hall opened the Public Hearing. There being no comments, he closed the Public Hearing.

Mr. D. Centers made the motion to adopt Ordinance 2018-17; seconded by Mr. Ruppert. The vote:

Mr. B. Centers yes
Mayor Hall yes
Mr. Aldridge yes
Mrs. Fouts yes
Mr. Wilcher yes
Mr. D. Centers yes
Mr. Ruppert yes

Motion passed.

RESOLUTION 2018-53 ACCEPTING THE AMOUNTS AND TAX RATES AS CERTIFIED BY THE WARREN COUNTY BUDGET COMMISSION FOR 2019, 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 to receive our monies from the County. The property tax has increased from \$454,000 to \$489,000. The levy proceeds for the Fire & EMS Fund have increased from \$1,347,000 to \$1,392,000. Also, the Local Government monies from the State have increased \$2,000.00.

Mr. Wilcher made the motion to adopt Resolution 2018-53; seconded by Mr. Aldridge. The vote:

Mayor Hall yes
Mr. Aldridge yes
Mrs. Fouts yes
Mr. Wilcher yes
Mr. D. Centers yes
Mr. Ruppert yes
Mr. B. Centers yes

Motion passed.

RESOLUTION 2018-54 DECLARING CITY MANAGER, THE CITY'S CONTRACTING OFFICER, TO BE EMPOWERED TO ACQUIRE TITLE TO OR INTERESTS IN REAL PROPERTY SITUATED WITHIN THE CITY OF FRANKLIN WITHIN THE SPENDING LIMIT AS ESTABLISHED IN CHARTER SECTION 5.05

Mrs. Dinkler explained that this will allow the City Manager to buy property, within the spending limit, at any time, to better the City's objectives. As an example, when a property is being sold at a Sheriff's sale, there's very little time to prepare for it and the City can benefit from the purchase (blight, nuisance, or redevelopment) time is of the essence. We wouldn't know what the exact cost would be for a purchase agreement for Council approval. Under the Charter, the Council has to approve the exchange of title, going either way in a transaction, and this will allow Sonny to attend Sheriff Auctions and purchase property from the County or anyone within the spending limits, and serve the interests and objectives of the Council.

Mr. B. Centers asked how can we do a Charter amendment without going to the voters. Mrs. Dinkler stated this isn't amending the Charter. If Mr. Lewis were to purchase a piece of property at a Sheriff's auction, without this Resolution, we would have to have a special meeting for Council to approve the purchase. The Charter sets the spending limit and you're just giving approval for him to enter into these limited transactions – the spending limit is not being changed with this Resolution. This is no different than each of them being brought to Council one at a time.

Mr. B. Centers asked how the Sheriff auctions work. Mr. Lewis stated a lot of the times we get a notice the week before. One of the reasons why he was looking into this, is to have a paper trail of when we do make a purchase. Currently, we have the authority to purchase anything \$25,000 and under, and that won't change. Also, he thinks it was very clear direction that he received from Council at the retreat, the areas you wanted to purchase property that came up for sheriff sale, etc., within our spending limit. This gives us a paper trail.

Mr. B. Centers stated at the Economic Development Council meetings, we've talked about property since the retreat that wasn't in the scope and it wasn't the direction of the Committee that we wanted to go that route. For that reason, he's not for this Resolution and he likes having the check and balance – either a committee meeting or special meeting can be scheduled. Mr. B. Centers also questioned the spending limit. Mayor Hall noted that the Economic Development Council Committee can't approve the purchase. Mr. B. Centers agreed and added that the Economic Development Council Committee can meet and refer it to Council.

There were comments about the spending limit and what it is. Mrs. Dinkler stated we go by the Charter, which goes by the State amount, which currently is \$25,000.00.

Mr. D. Centers stated we've never been in a hurry, this is giving that office (City Manager office, has nothing to do with Mr. Lewis) the authority to do this and thinks this should go to Council and he's against this also.

Mr. Ruppert asked what if we question the purchase that you have authority to purchase (if this passes). Mr. Lewis stated, Council said, to purchase any land from 2nd to 6th Streets in the downtown corridor, and he thinks that's firm direction from Council.

Mr. B. Centers stated he's not for this Resolution for that office and that land acquisition needs to be considered by Council.

Mrs. Fouts stated we've had conversations before and need to be cautious with this.

Mr. Aldridge stated this could apply to anything, not only land. A future City Manager may not be able to buy land, but they can spend \$25,000 on anything else and we may not agree with it. Can't imagine any Committee would not know of what was going on.

Mr. Lewis stated, absolutely right.

Discussion continued that if this gets voted down, we should still have time to make a purchase and need to talk about property acquisition, not just limited to the downtown area. If this has ever been a problem in the past (maybe one that we couldn't make it to the Sheriff's sale) and this will apply to any land purchase in the City, not just the downtown area. Mrs. Dinkler added that a meeting will be needed to authorize any land purchase if this doesn't pass. Mr. Lewis added that his direction is for the downtown area only.

Mayor Hall asked, you need a paper trail. Mr. Lewis stated yes. Mayor Hall stated maybe we need to reword this legislation. Mayor Hall stated he somewhat agrees with Mr. D. Centers and Mr. B. Centers, but also have faith in the people in the position and agree with the paper trail. The City Manager would let us know if anything came up.

Mr. B. Centers asked about the paper trail, if this doesn't pass, the way we do it now is every purchase has either a motion or legislation. Mr. Lewis added that we have everything pertaining to a purchase for the auditors.

Mr. B. Centers added he doesn't understand how this is a better paper trail. Mr. Lewis stated this Resolution gives him permission. We had direction from Council what you wanted and there's a limit of what we can spend and we wouldn't buy anything that wasn't in the scope of your direction. Mr. Aldridge added that he can spend up to \$24,999 now, on anything, and with this, we'll have a title for a piece of property.

Mr. Lewis stated we can continue as we've been doing this or we can revise this legislation.

Discussion continued on how to proceed, rewording the legislation, need to be cautious and consider each piece of property that we purchase, and there's history with downtown properties not being maintained.

Mr. Lewis stated there are houses all over the City and we've talked about certain situations. One of the houses we purchased, 90% of the money owed on it were the City's abatements.

Mayor Hall stated we gave him clear direction on what properties to purchase, understand what you're saying, nothing's happening downtown. We have been complaining about it since we've been on Council. We're making improvements but nothing has changed. We have to take some kind approach downtown.

Mr. Lewis stated we'll bring back something – don't think anyone would be here if we didn't do what Council wants.

Mr. Wilcher stated he has mixed feelings & concerns on this – think we should make that decision.

Mrs. Fouts stated she understands, there could be a situation that we miss out on, and we can change it again, if we need to and referred to the recent rezoning. Mrs. Fouts added she trusts Mr. Lewis, we have more problems than \$25,000.00.

Mr. Ruppert stated that Mr. Lewis still reports to Council and doesn't think any City Manager would jeopardize their job for the purchase of a piece of land. Mrs. Fouts added that she doesn't think Mr. Lewis would do anything that he doesn't believe in.

Mr. Lewis added we can spend \$25,000 on numerous things and you know when we are spending money, whatever the amount.

Mr. Aldridge added that sometimes time is everything.

Mr. Lewis stated we've only purchased two properties downtown and the other properties have been in tax foreclosure and a property with our tax liens on, and a property was deeded to the City.

Mr. D. Centers stated he can't think of a situation that we can't say we want the property, contingent upon Council approval, unless it's an auction situation.

Mr. Aldridge asked that this is only for acquiring property. Mrs. Dinkler stated, yes. His concern when first reading this, was someone (not Mr. Lewis) has a \$25,000 checkbook to acquire property and then selling it to his buddy.

Mr. D. Centers added he thinks Council needs to review any exchange of property before it happens. Mr. Aldridge asked if we need to change the spending limit.

Mr. D. Centers stated that's already in place (spending limit). Mr. B. Centers stated he's against any change in the speeding limit, regardless of the location, it's a Council decision. Mr. D. Centers agreed.

Mr. Aldridge stated he can already spend \$25,000 on anything and doesn't want to miss out.

Mayor Hall stated we need to vote on this.

Mr. B. Centers made the motion to adopt Resolution 2018-53; seconded by Mr. Aldridge. The vote:

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

Motion failed.

CITY MANAGER'S REPORT

Mr. Lewis stated he had nothing to report tonight.

COUNCIL COMMENTS

Mr. Wilcher thanked the staff that was at the recent Safety Council Committee meeting. A lot has been done to resolve the Beal Road situation.

Mr. Lewis stated he thinks it is better and that traffic has slowed down.

Mr. D. Centers stated the traffic has slowed down, is working; and appreciates all of Council and we can agree to disagree and work together.

Mrs. Fouts asked about the house boarded up across from the Police Station. Mr. Lewis stated there is a building permit and they are working on it. Mrs. Fouts stated she's had several comments on it and thanks to Chief Whitman and Chief Westendorf on a recent situation.

Mr. Ruppert thanked Chief Whitman, Mr. Conway and Mr. Lewis, etc. on the Beal Road traffic improvements. Also, he thanked staff for the information. On the north edge of Deardoff Road, a house is being built in the City limits, there's a big concrete pad on the right-of-way and big equipment vehicles are driving over this right-of-way, west side of Deardoff.

Mr. Aldridge stated this past Saturday was the Hall of Fame induction. Mrs. Miller was inducted, she did a good job and she loves Franklin. The Franklin City Schools has a renewal levy on the 11/6/18 ballot, merging two levies, and no new taxes. The Chamber has endorsed and asked Council if they want to endorse the levy. There was some discussion on whether to do by Resolution or motion.

Mr. Aldridge made a motion that the Franklin City Council endorses the Issue Two, Franklin City Schools Renewal Levy on the November 6, 2018 ballot; seconded by Mr. D. Centers. The vote:

Mrs. Fouts yes
Mr. Wilcher yes
Mr. D. Centers yes
Mr. Ruppert yes
Mr. B. Centers yes
Mayor Hall yes
Mr. Aldridge yes

Motion passed.

Mr. B. Centers echoed Mr. Wilcher’s comments about the Safety Council meeting and we discussed several options. Also, thanks to our Police Department as they participated in the ceremony for an Assistant Police Chief who recently passed away in the southern part of the County.

Mayor Hall stated he’s glad to see Mr. Inman back. The sidewalk at Stadia/Skokiaan, looks great. Mayor Hall asked if that should have been done before the road was paved. Mr. Lewis stated that it is two separate jobs. Mayor Hall also asked about paving in the gutter on Stadia Dive. Mr. Lewis stated we do it if it was previously done that way.

Mr. B. Centers made the motion to enter into executive session, with no action afterwards, To conference with the Law Director for the public body concerning disputes involving the public body re: Department of Commerce Division of Liquor Control, IN RE: 2017-2018 Renewal Application NY-NY, Inc., Db a New York-New York; Warren County Court of Common Pleas Criminal Division, State of Ohio v. NY NY Inc. Case No: 17-CR-33605 (trial 11/28/18) and Warren County Court of Common Pleas Civil Division, New York New York, Inc. v. City of Franklin Case No: 18-CV-90804; and to consider the appointment, employment and/or compensation of a public employee or official re: Finance Director, with no action afterwards; seconded by Mr. Aldridge. The vote:

Mr. Wilcher yes
Mr. D. Centers yes
Mr. Ruppert yes
Mr. B. Centers yes
Mayor Hall yes
Mr. Aldridge yes
Mrs. Fouts yes

Motion passed.

Mayor Hall and members of Council entered into executive session at 7:15 p.m. Mayor Hall reconvened and adjourned the meeting.

Todd Hall, Mayor

Jane McGee, Clerk of Council