

**FRANKLIN CITY COUNCIL
AGENDA**

REGULAR MEETING

**DATE MAY 4, 2020
6:00 P.M.**

VIRTUAL MEETING

1. Roll Call
2. Pledge of Allegiance
3. Approve the Clerk's Journal and Accept the Tapes as the Official Minutes of the April 20, 2020 Meeting
4. Reception of Visitors
5. Presentation
 - A. None.
6. Public Hearing
 - A. ORDINANCE 2020-05 CONSIDERING THE RECOMMENDATION OF PLANNING COMMISSION WITH RESPECT TO AN APPLICATION TO REZONE APPROXIMATELY 8.489 ACRES, LOCATED AT THE END OF LAKEVIEW DRIVE, FROM R-1B, SUBURBAN RESIDENTIAL DISTRICT TO R-1A, ESTATE RESIDENTIAL DISTRICT
 - B. ORDINANCE 2020-06 APPROVING THE MAJOR SUBDIVISION FINAL PLAT FOR THE ANGEL'S VIEW SUBDIVISION LOCATED AT THE EAST END OF LAKEVIEW DRIVE
7. New Business
 - A. RESOLUTION 2020-24 APPROVING WARREN COUNTY DRUG TASK FORCE COUNCIL OF GOVERNMENT CONTRACT AND AUTHORIZING CITY MANAGER TO EXECUTE
8. Introduction of New Legislation
 - A. ORDINANCE 2020-07 DETERMINING TO PROCEED WITH THE IMPROVEMENT OF CITY STREETS AND PUBLIC WAYS BY THE LIGHTING THEREOF FOR THE YEAR 2021
 - B. ORDINANCE 2020-08 AUTORIZING THE SALE OF CITY OWNED REAL ESTATE SITUATED AT 449 SOUTH MAIN STREET, FRANKLIN, OHIO BY COMPETITIVE BIDDING
9. City Manager's Report
10. Council Comments
11. Executive Session

To consider the appointment, employment and/or compensation of a public employee or official.
12. Adjournment

Members of the City Council met in regular session on Monday, April 20, 2020, 6:02 PM via Virtual Meeting held in compliance with amended Substitute House Bill 197 under the declared state of emergency by the State of Ohio and City of Franklin, Warren County, Ohio.

Roll call (called in alphabetical order) showed:

Mr. Michael Aldridge	present
Mayor Brent Centers	present
Mr. Denny Centers	present
Vice Mayor Todd Hall	present
Mrs. Debby Fouts	present
Mr. Paul Ruppert	present
Mr. Matt Wilcher	present

The pledge of allegiance was said.

There no visitors at tonight's meeting. Also present: Sonny Lewis, City Manager; Cindy Ryan, Finance Director; Lynnette Dinkler, Law Director/Acting Clerk of Council; Jonathan Westendorf, Fire and EMS Chief; Russ Whitman, Police Chief; Ross Coulton, Assistant Safety Director; Steve Inman, Public Works Director; Barry Conway, City Engineer; Karisa Steed, Assistant to the City Manager.

Mr. Aldridge made the motion to approve the Clerk's Journal and accept the tapes as of the Official Minutes of the March 17, 2020 general meeting; seconded by Vice Mayor Hall.

The vote:

Mr. Denny Centers	yes
Mr. Ruppert	yes
Vice Mayor Hall	yes
Mayor Brent Centers	yes
Mr. Aldridge	yes
Mrs. Fouts	yes
Mr. Wilcher	yes

Motion passed.

Reception of Visitors

The Mayor opened and closed Reception of Visitors at (6:05 p.m.). No Visitors were present and no other person asked to be heard.

Presentation

None

Public Hearing

None

New Business**RESOLUTION 2020-21 PRELIMINARY PARTICIPATORY LEGISLATION FOR
THE ODOT DISTRICT 8 GUARDRAIL TYPE A
REPLACEMENT PROJECT**

Mr. Conway, City Engineer, explained this Resolution is the preliminary legislation required by ODOT for the District wide replacement of type A anchor assembly guardrail on NHS local routes, to include a portion of SR 73 and SR 123 in the City of Franklin. This project will replace Type A anchor guardrail assemblies at five locations within the City. The five locations within the City include two assemblies on North Main Street at Kenneth Koons Boulevard, two assemblies on East Second Street west of Stadia Drive and one assembly on East Second Street east of Conover Drive. Mr. Conway shared this Project is scheduled for the fourth quarter of the State's 2021 fiscal year. The total cost for the District Wide Project is currently estimated at \$702,482.00 and is 100% funded with Safety Funds.

There were no comments or questions.

Mr. Paul Ruppert made the motion to adopt **Resolution 2020-21**; seconded by Mr. Mathew Wilcher.

The vote:

Mr. Ruppert	yes
Vice Mayor Hall	yes
Mayor Brent Centers	yes
Mr. Aldridge	yes
Mrs. Fouts	yes
Mr. Wilcher	yes
Mr. Denny Centers	yes

Motion passed.

**RESOLUTION 2020-22 APPROVING THE RETROACTIVITY WAIVER FOR ALL
UNITS OF THE FRANKLIN LAW ENFORCEMENT
ASSOCIATION AND AUTHORIZING THE CITY
MANAGER TO EXECUTE THE WAIVER AGREEMENT**

Mr. Lewis, City Manager, explained the union negotiations have been suspended on account of COVID-19 declared state of emergency and will not resume until the parties can meet to resume such negotiations. The current contract expires the end of July 2020. If the negotiations are not completed by the expiration of the contract, the negotiated pay will be paid retroactively.

Vice Mayor Todd Hall made the motion to adopt Resolution **2020-22**; seconded by Mr. Michael Aldridge.

There were no comments or questions.

The vote:

Vice Mayor Hall	yes
Mayor Brent Centers	yes
Mr. Aldridge	yes
Mrs. Fouts	yes
Mr. Wilcher	yes
Mr. Denny Centers	yes
Mr. Ruppert	yes

Motion passed.

**RESOLUTION 2020-23 ORDERING TEMPORARY SUSPENSION OF CHARTER,
CODIFIED ORDINANCE AND RULES OF COUNCIL
PROVISIONS INCONSISTENT WITH AMENDED
SUBSTITUTE HOUSE BILL 197 IMPLIMENTING
PROCEDURE CONSISTENT WITH COVID-19 OPEN
MEETING ACT DURING DECLARED STATE OF
EMERGENCY FROM MARCH 9, 2020 UNTIL DECEMBER
1, 2020 IF THE PERIOD OF EMERGENCY CONTINUES
BEYOND THAT DATE**

Lynnette Dinkler, Law Director, explained all provisions regarding public meetings were reviewed and all policies inconsistent with Substitute House Bill 197 need to be suspended retroactively and until December 1, 2020 if the period of emergency continues beyond that date to allow the City to continue to conduct its public meetings virtually at this time.

There were no comments or questions.

Mrs. Debbie Fouts made the motion to adopt Resolution **2020-23**; seconded by Mr. Paul Ruppert.

The vote:

Mayor Brent Centers	yes
Mr. Aldridge	yes
Mrs. Fouts	yes
Mr. Wilcher	yes
Mr. Denny Centers	yes
Mr. Ruppert	yes
Vice Mayor Hall	yes

Motion passed.

Introduction of New Legislation

**ORDINANCE 2020-05 CONSIDERING THE RECOMMENDATION OF
PLANNING COMMISSION WITH RESPECT TO AN
APPLICATION TO REZONE APPROXIMATELY 8.489
ACRES, LOCATED AT THE END OF LAKEVIEW DRIVE,
FROM R-1B, SUBURBAN RESIDENTIAL DISTRICT TO R-
1A, ESTATE RESIDENTIAL DISTRICT**

**ORDINANCE 2020-06 APPROVING THE MAJOR SUBDIVISION FINAL PLAT
FOR THE ANGEL'S VIEW SUBDIVISION LOCATED AT
THE EAST END OF LAKEVIEW DRIVE**

City Manager's Report

Mr. Lewis presented an update from the Fire & EMS Department. No known COVID-19 confirmed case is known but flu like symptom cases are treated as such. The runs being made are generally more severe in nature as people are waiting until symptoms are severe before calling for help. Substance abuse runs are more severe in comparison to pre-COVID-19 presentation of substance abuse calls.

Police Department calls are down 30% compared to last year, as is overtime. Sufficient PPE exists at this time, but additional PPE is always being sought out. Battelle is sanitizing PPE as a free service for all first responders, which is a great service for which the City is very thankful. The sanitization turnaround time is twenty-four hours.

A paving project will be underway in town, by a local company who will manufacturer asphalt for project.

Public Works Department had two watermain breaks and other typical repairs, such as patching potholes that have developed over the winter. Equipment is being maintained and mowing is underway.

The April 18, 2020 City-wide food drive was a huge success. Too many volunteers showed up to collect food which was wonderful and so many people gave, noting those who had so little gave so much to help others, which is what makes the City of Franklin so great. This activity may be repeated monthly to continue to support those in need. Checks can be submitted as well because the food bank can buy five times as much food compared to what people can buy in stores.

April 27, 2020 at 5:30 p.m. a Special Planning Commission Meeting will be conducted because a local business has requested a temporary conditional use for six months to allow them to store cars next door off their property because currently, it is overstocked as a result of the COVID-19 declared state of emergency. Staff will recommend the temporary request for approval to the Planning Commission to help out the local business. It is acknowledged that Council may not approve of such activity if it were a permanent use, which it is not, and the City Manager wanted to be certain Council was aware of the request as Council does not have final authority over granted temporary conditional use requests.

Council Comments

Mr. Wilcher recognized how proud he is to be from Franklin because citizens pull together to support the food bank and those in need.

Mrs. Fouts stated Franklin truly does a fantastic job of supporting its local businesses. She and another small business owner feel they have been hit a little less than surrounding communities because of the strong local support, for which she is very thankful. Mrs. Fouts also expressed thankfulness for the leadership of our Country because while anyone can Monday morning quarterback, it is very difficult to know how to respond to such a situation. Lastly, she is thankful for people continuing to follow the social distancing guidelines. In response to Mayor Brent Centers' comment regarding a list of businesses/restaurants still serving, Mrs. Fouts shared the Chamber of Commerce is very good about keeping an updated list for the public.

Mr. Aldridge stated it was good to see all, encouraged all to stay safe, and had no further comments.

Mr. Denny Centers expressed feeling great about everyone doing their part to support the food pantry and had no further comments.

Mr. Ruppert asked the City Manager for an update for the Clerk of Council status. Mr. Lewis stated an update email would be provided regarding interviews to be conducted. Otherwise, Mr. Ruppert thanked all City Staff for keeping the City operations going.

Vice Mayor Hall stated he was glad to hear the food drive would be continuing to help the community. Mr. Hall asked if any business has stated it would not recover from the COVID-19 declared state of emergency. Mr. Lewis said he has not been made aware that any City business would not recover from this emergency. Mr. Lewis reported staff continues even during this time to pursue economic development projects. Mr. Lewis did obtain information that one City company received Payroll Protection funds. Otherwise, Mr. Hall thanked all employees for their efforts, as he recognized working from home, which he would be doing for the remainder of the school year, was now his reality as of that day's announcements impacting Ohio public school operations.

Mayor Brent Centers thanked everyone for their efforts with the food drive which was a great success. The Ohio Municipal League, Mayor announced, issued a call to action as a result of the economic impact of COVID-19 for local funding to be immediately directed to the local governments, especially for emergencies services, and encouraged all to contact their local representatives. Mayor Brent Centers provided approval for his digital signature to be applied to passed legislation and approved council meeting minutes. In closing Mayor thanked all staff for keeping the City moving, especially for those who are working from home.

Executive Session

None

Adjournment

Vice Mayor Todd Hall made the motion to adjourn the meeting; seconded by Mr. Denny Centers.

The vote:

Mr. Wilcher	yes
Mr. Ruppert	yes
Mrs. Fouts	yes
Vice Mayor Hall	yes
Mr. Denny Centers	yes
Mayor Brent Centers	yes
Mr. Aldridge	yes

Motion passed.

Mayor Brent Centers adjourned the meeting at 6:31 p.m.

Brent Centers, Mayor

Lynnette Dinkler
Acting Clerk of Council

LEGISLATIVE COVER MEMORANDUM

Introduction: April 20, 2020
Public Hearing: May 4, 2020
Effective Date: June 3, 2020

Agenda Item: **Ordinance 2020-05**
AN ORDINANCE CONSIDERING THE RECOMMENDATION OF PLANNING COMMISSION WITH RESPECT TO AN APPLICATION TO REZONE APPROXIMATELY 8.489 ACRES, LOCATED AT THE END OF LAKEVIEW DRIVE, FROM R-1B, SUBURBAN RESIDENTIAL DISTRICT TO R-1A, ESTATE RESIDENTIAL DISTRICT

Submitted By: Barry Conway, City Engineer/Zoning Official

Scope/Description: Ron and Brenda Bencsik, 7621 Nordan Drive, West Chester, Ohio 45069 requests a rezoning for their property (8.489 acres) located at the end of Lakeview Drive from R-1B, Suburban Residential District to R-1A, Estate Residential District.

This rezoning request was reviewed by Planning Commission at its April 13, 2020, regular meeting. After holding a public hearing on the request, Planning Commission voted unanimously (6 - 0) to make a recommendation to Council to approve this rezoning.

All of the mandatory standards in Ordinance 1115.06(h)(2) are met here.

Attachments: Rezoning Application; Map.

Vote Required for Passage: Per Section 4.12 of the City Charter, the amendment, or rejection of this Ordinance requires the affirmative vote of not less than **FOUR** members of Council.

CITY OF FRANKLIN, OHIO
ORDINANCE 2020-05

**AN ORDINANCE CONSIDERING THE RECOMMENDATION OF PLANNING COMMISSION
WITH RESPECT TO AN APPLICATION TO REZONE APPROXIMATELY 8.489 ACRES,
LOCATED AT THE END OF LAKEVIEW DRIVE, FROM R-1B, SUBURBAN RESIDENTIAL
DISTRICT TO R-1A, ESTATE RESIDENTIAL DISTRICT**

WHEREAS, Ron and Brenda Bencsik, 7621 Nordan Drive, West Chester, Ohio 45069, have requested to rezone their property (8.489 acre) located at the end of Lakeview Drive (Warren County Parcel Nos. 08-24-300-014) from R-1B, Suburban Residential District to R-1A, Estate Residential District; and

WHEREAS, Section 4.12 of the Charter of the City of Franklin states in part:

No ordinance or resolution establishing, amending, revising, changing or repealing zoning classifications, districts, uses or regulations shall be presented to Council for a public hearing without a recommendation from the Planning Commission to approve, to approve with modifications, or to deny. Planning Commission shall make its recommendation to Council within the time limit set by ordinance.

WHEREAS, the Franklin City Planning Commission, at its April 13, 2020, regular meeting, considered the submission of a zoning application and voted unanimously (6-0) making recommendation to Council to approve the Zoning District Classification; and

WHEREAS, Chapter 1115.04(e)(1)-(7) provides the criteria Council shall consider regarding all zoning amendments:

- (1) The proposed zoning district classification and use of the land will not materially endanger the public health or safety; and
- (2) The proposed zoning district classification and use of the land is reasonably necessary for the public health or general welfare, such as by enhancing the successful operation of the surrounding area in its basic community function or by providing an essential service to the community or region; and
- (3) The proposed zoning district classification and use of the land will not substantially injure the value of the abutting property; and
- (4) The proposed zoning district classification and use of the land will be in harmony with the scale, bulk, coverage, density, and character of the area of the neighborhood in which it is located; and
- (5) The proposed zoning district classification and use of the land will generally conform with the Comprehensive Land Development Plan and other official plans of the City, unless actual development within the area or changes in the conditions of the area makes conforming to the Comprehensive Development Plan impractical; and
- (6) The proposed zoning district classification and use of the land are appropriately located with respect to transportation facilities, utilities, fire and police protection, waste disposal, and similar characteristics; and
- (7) The proposed zoning district classification and use of the land will not cause undo traffic congestion or create a traffic hazard.

WHEREAS, Section 4.13 of the Charter of the City of Franklin states:

The presiding officer of the Council shall set a date for a public hearing before Council on each ordinance or resolution establishing, amending, revising, changing or repealing zoning classifications, districts, uses or regulations, which hearing shall be after Planning Commission has forwarded its recommendation to Council and the introduction of the ordinance and before final action by Council on said ordinance or resolution. Council shall hold the public hearing within the time limits set by ordinance.

WHEREAS, this Council, upon receipt of said recommendation, has timely conducted a public hearing in accordance with Section 4.13 of the Charter of the City of Franklin; and

WHEREAS, notice of the public hearing has been properly and timely served by the Clerk of Council via regular mail upon property owners in compliance with Chapter 1115.04(d)(9).

WHEREAS, Section 4.12 of the Charter of the City of Franklin states in part:

No such ordinance or resolution which conforms to or violates, differs from, or departs from the written recommendation of the Planning Commission shall take effect unless passed and approved by a vote of not less than four (4) members of Council.

THE CITY OF FRANKLIN HEREBY ORDAINS:

- ☐ Section 1. Upon an affirmative vote of at least four (4) of the members of Council present, that the Planning Commission recommendation is **APPROVED**:

The Official Zoning Map of the City of Franklin, adopted by Ordinance 2020-01 on February 3, 2020, is hereby amended by changing the zoning from R-1B, Suburban Residential District to R-1A, Estate Residential District, on the property located at the end of Lakeview Drive, in the City of Franklin, Warren County Parcel Nos. 08-24-300-014, as recommended by Planning Commission.

OR

- ☐ Section 1. Upon an affirmative vote of at least four (4) of the members of Council present, that the Planning Commission recommendation is **APPROVED WITH MODIFICATIONS**:

The Official Zoning Map of the City of Franklin, adopted by Ordinance 2020-01 on February 3, 2020, is hereby amended by changing the zoning from R-1B, Suburban Residential District to R-1A, Estate Residential District, on the property located at the end of Lakeview Drive, in the City of Franklin, Warren County Parcel Nos. 08-24-300-014, as recommended by Planning Commission.

OR

- ☐ Section 1. Upon an affirmative vote of at least four (4) of the members of Council present, that the Planning Commission recommendation is **DENIED**.

Section 2. The City of Franklin Zoning Official is hereby directed to make the approved amendment, if indicated above in Section 1, to the City's Official Zoning Map.

Section 3. Where Council has approved or approved with modifications in Section 1, all Ordinances or parts of ordinances that conflict with this ordinance are hereby repealed.

Section 4. It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

Section 4. This Ordinance shall become effective on June 3, 2020.

INTRODUCED:

ADOPTED:

ATTEST: _____
Lynnette Dinkler
Acting Clerk of Council

APPROVED: _____
Brent W. Centers
Mayor

Approved as to legal form:

Lynnette Dinkler
Law Director

City of Franklin, Ohio
REZONING/ZONING AMENDMENT APPLICATION
UDO 1115.04

Application No. RC 20-03

The undersigned owner(s) of the following property hereby submit this application requesting an amendment to the Official Zoning Map, as specified below.

1. Name of Applicant(s): Ron and Brenda Bencsik
2. Mailing Address: 7621 Nordan Drive, West Chester, Ohio, 45069
3. Phone Number: 513-477-1085 (home) _____
(work)
4. Address of the property proposed to be rezoned: Angels View Section 1 Phase 1
5. Lot No. of the property proposed to be rezoned: 1-4
6. Current Zoning District: R1B Current Use: Farming
7. Proposed Zoning District: R1A Proposed Use: Residential

The following items must be submitted with this Application:

- ☒ A. If the applicant is not the owner of the subject property, a notarized letter of authorization from the property owner(s), designating the applicant as his/her/their representative.
- ☒ B. Legal description of the property proposed for rezoning – either a deed or a drawing prepared by a surveyor registered in the State of Ohio.
- ☒ C. A list of all owners of property that are contiguous to the property to be rezoned or that are across the street from it. (The list shall be based upon the Warren County Auditor's current tax lists).
- ☒ D. A vicinity map showing property lines, thoroughfares and existing zoning.
- ☒ E. A Statement addressing the following:
 - (1) Why the applicant seeks to rezone the subject property and the proposed use if the rezoning is granted;
Want to rezone the property back to its former zoning before the annexation.
 - (2) The effect the applicant believes the rezoning will have on public health and safety;
None
 - (3) Why the requested rezoning is reasonably necessary for the public health or general welfare, for example, how does it enhance the successful operation of the surrounding area in its basic community function or how does it provide an essential service to the community;
This rezoning has no effect the surrounding community, just re-zones the property back to it former zone.
 - (4) The effect the applicant believes the rezoning will have on the value of abutting properties;
None
 - (5) How the proposed zoning district and proposed use will generally conform with the City's Comprehensive Land Use Plan;
No effect.

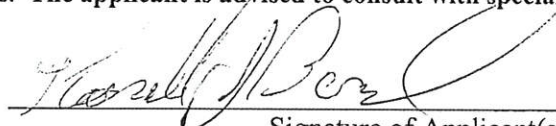
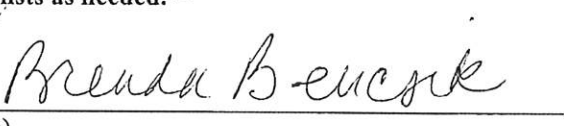
- (6) How the proposed zoning district and proposed use are located with respect to transportation facilities, utilities, fire and police protection, waste disposal and similar characteristics; and
This should have no effect, because the property returns to its former Zoning.
- (7) The effect the applicant believes the proposed zoning district and proposed use will have on traffic congestion and/or whether traffic hazards will be created.

None

_____ F. The Application Fee.

BE ADVISED THAT THE SUBMISSION OF ADDITIONAL SUPPORTING INFORMATION MAY BE REQUIRED.

****The applicant should check with the City's Division of Building & Zoning in regards to any building code requirements or other permits required by the City. Acceptance and/or approval of this application is not a guarantee against a change in development requirements or standards due to unforeseeable circumstances once the project and/or construction begins. The applicant is advised to consult with specialists as needed.****

 
Signature of Applicant(s)

DATE: 3/5/2020

OFFICE USE ONLY

Received Date: 3/5/20

TRC Meeting: 4/7/20

PC Meeting: 4/13/20

Legal Notice: 4/8/20

Mailings: 4/6/20

Recommendation to: ☐ Approve ☐ Deny

Council Meeting: _____

Legal Notice: _____

Mailings: _____

☐ Approved

☐ Denied

Date of Approval or Denial: _____

Date Notice Mailed to Applicant: _____



Date: 4/16/2020

<p>Cadastral Lines</p> <ul style="list-style-type: none"> Corporate Line County Line Parcel Line RO W Unknown Width Line Road ROW School Line Section Line Subdivision Lot Line Township and Range Line Tract Line VMS Line Vacated Road Line <p>Line Type</p> <ul style="list-style-type: none"> Auditors Tract Line Overpass Line Civil Township Line Subdivision Unit Line 	<p>Bencsik Resoning</p> <p>The provider makes no warranty or representation with respect to its information, its quality or suitability for a particular purpose. This information is provided AS IS, and the requester assumes the entire risk as to its quality and suitability. The provider will not be liable for direct, indirect, incidental, or consequential damages resulting from any defect in the information. The provider shall have no liability for any other information, programs or data used with or combined with the requested information, including the cost of recovering information, programs or data.</p>	<p>1 inch = 200 feet</p>
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LEGISLATIVE COVER MEMORANDUM

Introduction: April 20, 2020
Public Hearing: May 4, 2020
Effective Date: June 3, 2020

Agenda Item: **Ordinance 2020-06**
APPROVING THE MAJOR SUBDIVISION FINAL PLAT FOR THE ANGEL'S VIEW SUBDIVISION LOCATED AT THE EAST END OF LAKEVIEW DRIVE

Submitted By: Barry Conway, City Engineer/Zoning Official

Scope/Description: The Angel's View Subdivision Final Plat is a four lot subdivision of approximately 8.489 acres more or less. The four lots are for Single Family Residential dwelling units. This Final Plat also dedicates right-of-way for a new cul-de-sac at the end of Lakeview Drive.

The Kleingers Group filed for this subdivision on behalf of the current property owners, Ron and Brenda Bencsik, 7621 Nordan Drive, West Chester, Ohio 45069.

After holding a public hearing on the request, Planning Commission voted at its April 13, 2020 meeting, unanimously (6 - 0) to make a recommendation to Council to approve this Final Plat.

Council shall only approve this Application if it finds all the Standards under Chapter 1115.06(h)(2)(A)-(I) are met here:

- (2) **Final Plat:** A Major Subdivision application and Final Plat shall only be approved if Council finds that all of the following standards are met:
- A. It fully complies with the applicable requirements of this UDO;
 - B. It is not detrimental to other property or other uses located on the same property;
 - C. It is not detrimental to other development on nearby property;
 - D. It provides safe conditions for pedestrians or motorists and prevents a dangerous arrangement of pedestrian and vehicular ways;
 - E. It provides safe ingress and egress to emergency vehicles on the site;
 - F. The Final Plat is in accordance with the Preliminary Plan;
 - G. The City Engineer has approved all proposed infrastructure construction and location;
 - H. Homeowners association and other agreements have been approved by the Law Director's Office;
 - I. All fees and/or review costs have been paid.

Attachments: Copy of Final Plat

Vote Required for Passage: Per Section 4.12 of the City Charter, the amendment, or rejection of this Ordinance requires the affirmative vote of not less than **FOUR** members of Council.

CITY OF FRANKLIN, OHIO
ORDINANCE 2020-06

**APPROVING THE MAJOR SUBDIVISION FINAL PLAT FOR THE ANGEL'S VIEW
SUBDIVISION LOCATED AT THE EAST END OF LAKEVIEW DRIVE**

WHEREAS, the Franklin City Planning Commission, at its April 13, 2020 regular meeting, voted unanimously (6-0) to make a recommendation to Council to approve the final plat of the proposed subdivision submitted by The Kleingers Group, on behalf of Ron and Brenda Bencsik, in PC Case 20-04, for four lots located at the eastern end of Lakeview Drive; and

WHEREAS, Section 4.12 of the Charter of the City of Franklin states in part:

No ordinance or resolution establishing, amending, revising, changing or repealing zoning classifications, districts, uses or regulations shall be presented to Council for a public hearing without a recommendation from the Planning Commission to approve, to approve with modifications, or to deny. Planning Commission shall make its recommendation to Council within the time limit set by ordinance.

WHEREAS, the Franklin City Planning Commission, at its April 13, 2020, regular meeting, considered the submission of a Major Subdivision Application and voted unanimously (6-0) making recommendation to Council to approve the Final Plat; and

WHEREAS, Section 4.13 of the Charter of the City of Franklin states:

The presiding officer of the Council shall set a date for a public hearing before Council on each ordinance or resolution establishing, amending, revising, changing or repealing zoning classifications, districts, uses or regulations, which hearing shall be after Planning Commission has forwarded its recommendation to Council and the introduction of the ordinance and before final action by Council on said ordinance or resolution. Council shall hold the public hearing within the time limits set by ordinance.

WHEREAS, pursuant to Chapter 1115.06(h)(2)(A)-(I), the Application and Final Plat shall only be approved if Council finds that all of the following standards are met, Council hereby indicating with the markings below its findings of fact regarding each:

- (2) **Final Plat:** A Major Subdivision application and Final Plat shall only be approved if Council finds that all of the following standards are met:

	MET	NOT MET
A. It fully complies with the applicable requirements of this UDO;	<input type="checkbox"/>	<input type="checkbox"/>
B. It is not detrimental to other property or other uses located on the same property;	<input type="checkbox"/>	<input type="checkbox"/>
C. It is not detrimental to other development on nearby property;	<input type="checkbox"/>	<input type="checkbox"/>
D. It provides safe conditions for pedestrians or motorists and prevents a dangerous arrangement of pedestrian and vehicular ways;	<input type="checkbox"/>	<input type="checkbox"/>
E. It provides safe ingress and egress to emergency vehicles on the site;	<input type="checkbox"/>	<input type="checkbox"/>
F. The Final Plat is in accordance with the Preliminary Plan;	<input type="checkbox"/>	<input type="checkbox"/>
G. The City Engineer has approved all proposed infrastructure construction and location;	<input type="checkbox"/>	<input type="checkbox"/>
H. Homeowners association and other agreements have been approved by the Law Director's Office;	<input type="checkbox"/>	<input type="checkbox"/>
I. All fees and/or review costs have been paid.	<input type="checkbox"/>	<input type="checkbox"/>

WHEREAS, Council hereby acknowledges Chapter 1115.06(h)(2)(H) does not apply to this application and is thereby met as no homeowners association and other agreements are being sought by the Applicant; and

WHEREAS, this Council, upon receipt of said recommendation, has timely conducted a public hearing in accordance with Section 4.13 of the Charter of the City of Franklin; and

WHEREAS, notice of the public hearing has been properly and timely served by the Clerk of Council via regular mail upon property owners in compliance with Chapter 1115.06(f)(9); and

WHEREAS, the property owners have proposed to dedicate portions of the land therein to the City of Franklin for right-of-way; and

WHEREAS, the procedures with regard to major subdivisions to the UDO, as set forth in Section 1115.06 of the UDO have been followed; and

WHEREAS, Section 4.12 of the Charter of the City of Franklin states in part:

No such ordinance or resolution which conforms to or violates, differs from, or departs from the written recommendation of the Planning Commission shall take effect unless passed and approved by a vote of not less than four (4) members of Council.

THE CITY OF FRANKLIN HEREBY ORDAINS:

- ☐ Section 1. Upon an affirmative vote of at least four (4) of the members of Council present, that the Planning Commission recommendation is **APPROVED**:

The Angel's View Subdivision consisting of the four lots and the dedication of the Public Right-of Way and Easements as shown on the Final Plat as submitted by The Kleingers Group on behalf of Ron and Brenda Bencsik, the owners of record, in PC Case 20-04,

OR

- ☐ Section 1. Upon an affirmative vote of at least four (4) of the members of Council present, that the Planning Commission recommendation is **APPROVED WITH MODIFICATIONS**:

The Angel's View Subdivision consisting of the four lots and the dedication of the Public Right-of Way and Easements as shown on the Final Plat as submitted by The Kleingers Group on behalf of Ron and Brenda Bencsik, the owners of record, in PC Case 20-04,

OR

- ☐ Section 1. Upon an affirmative vote of at least four (4) of the members of Council present, that the Planning Commission recommendation is **DENIED**.

Section 2. The Mayor, on behalf of Council, the City Manager, City Engineer, Clerk of Council and Law Director are hereby authorized to endorse the Plat and any other documentation necessary to record this subdivision approval with the Warren County Auditor and Warren County Recorder.

Section 3. Where Council has approved or approved with modifications in Section 1, all Ordinances or parts of ordinances that conflict with this ordinance are hereby repealed.

Section 4. It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

Section 4. This Ordinance shall become effective on June 3, 2020.

INTRODUCED:

ADOPTED:

ATTEST: _____
Lynnette Dinkler
Acting Clerk of Council

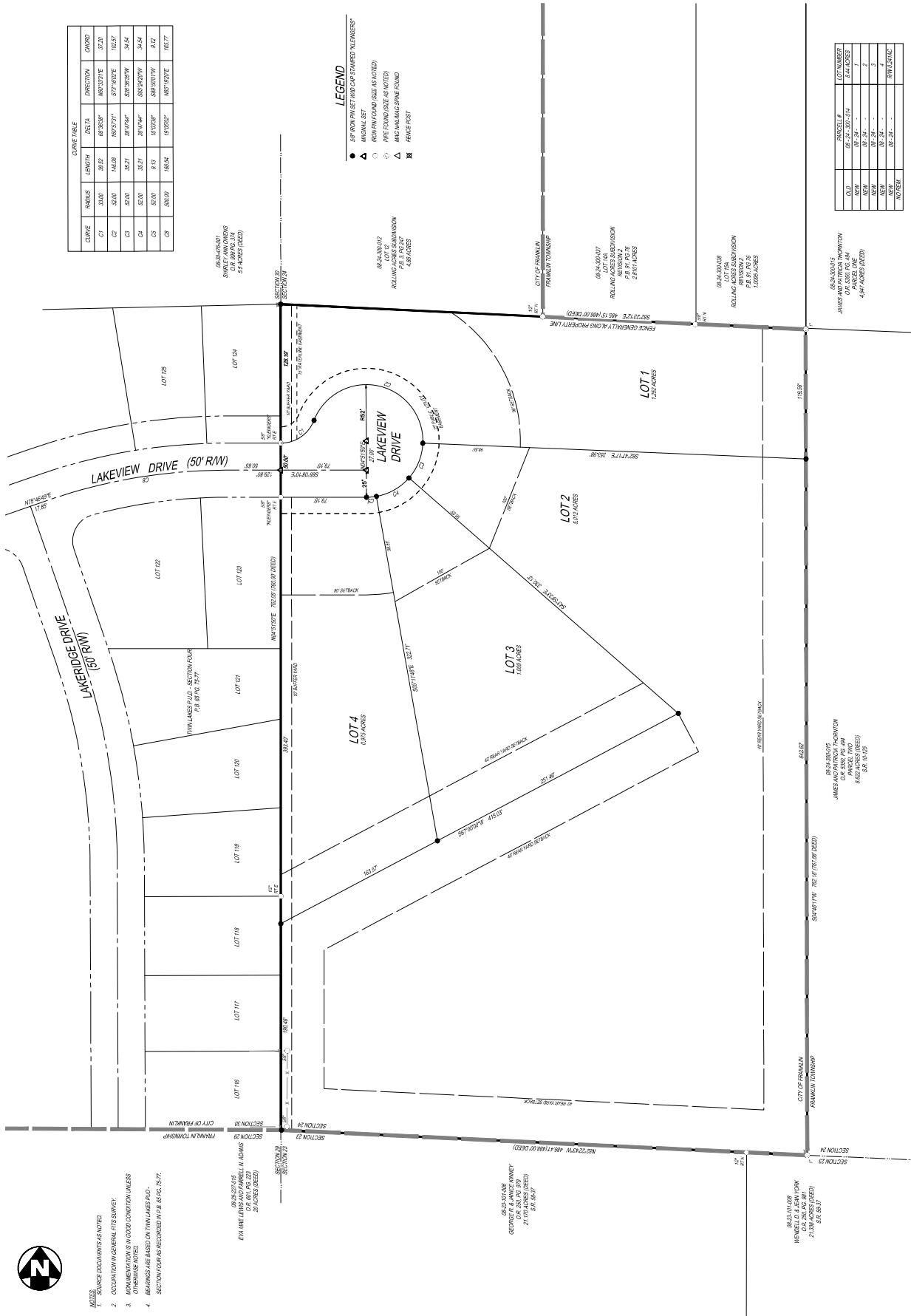
APPROVED: _____
Brent W. Centers
Mayor

Approved as to legal form:

Lynnette Dinkler
Law Director



- NOTES:
1. SOURCE DOCUMENTS AS NOTED.
 2. OCCUPATION IN GENERAL THIS SURVEY.
 3. MONUMENTATION IS IN GOOD CONDITION UNLESS OTHERWISE NOTED.
 4. BEARINGS ARE BASED ON TWIN LAKE FID.
- SECTION FOUR AS RECORDED IN P.E. 65 PG. 75-77.



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Division of Police

LEGISLATIVE COVER MEMORANDUM

Date: May 4th, 2020

Agenda Item: RESOLUTION 2020-24 APPROVING WARREN COUNTY DRUG TASK FORCE COUNCIL OF GOVERNMENT CONTRACT AND AUTHORIZING CITY MANAGER TO EXECUTE

Submitted By: Chief Russ Whitman

Scope/Description: To Authorize the City Manager to execute the Amended Warren County Drug Task Force Council of Governments Contracts.

The City of Franklin, the City of Springboro, Hamilton Township, Clearcreek Township, the City of Lebanon, the City of Mason, the Village of Waynesville, Village of Maineville, the Warren County Sheriff's Office and the Warren County Prosecutor's Office formed the Warren County Drug Task Force Council of Governments as a mechanism for the contributions of equipment and personnel for the purpose of maintaining a qualified and efficient Warren County Drug Task Force.

This contract adds The Village of Harveysburg and the Village of Carlisle as a participating agencies.

It is my recommendation to Council that it is in the City of Franklin's best interest to continue its participation in the Warren County Drug Task Force Council of Governments.

Budgetary Impact: None

Exhibits: Amended and Restated Warrant County Drug Task Force Council of Governments Contract, Exhibit A

Recommendation: Approval

CITY OF FRANKLIN, OHIO
RESOLUTION 2020-24
APPROVING WARREN COUNTY DRUG TASK FORCE COUNCIL OF GOVERNMENT
CONTRACT AND AUTHORIZING CITY MANAGER TO EXECUTE

WHEREAS, in accordance with Ohio Revised Code Section 167.01 *et seq.* the Warren County Drug Task Force Council of Governments (COG) was established; and

WHEREAS, the City of Franklin has participated in the COG to best enforce criminal drug trafficking laws within the City of Franklin and Warren County; and

WHEREAS, the City of Franklin is currently a participating agency of the COG which is currently in full force and affect; and

WHEREAS, the COG is being amended at this time to add two additional agencies: The Village of Harveysburg and the Village of Carlisle

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Franklin, Ohio, a majority of the members present concurring, that:

Section 1. The City of Franklin supports and participates in the COG to best protect the citizens of Franklin, Warren County, against those engaging in criminal drug trafficking.

Section 2. The City of Franklin desires to continue to participate in the COG to continue to best enforce criminal drug trafficking laws within the City of Franklin and Warren County in order to protect the health, welfare and safety of its citizens.

Section 3. The City of Franklin welcomes neighboring communities the Village of Harveysburg and the Village of Carlisle as new participating agencies.

Section 4. The City Manager is hereby authorized to execute the Amended and Restated Warren County Drug Task Force Council of Government Contract, attached as Exhibit A.

Section 5. It is found that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

Section 6. This Resolution shall become effective immediately upon its passage.

ADOPTED:

ATTEST: _____
Lynnette Dinkler, Acting Clerk of Council

APPROVED: _____
Brent Centers, Mayor

**AMENDED AND RESTATED
WARREN COUNTY DRUG TASK FORCE
COUNCIL OF GOVERNMENTS CONTRACT**

WHEREAS, in accordance with Ohio Revised Code §167.01, et seq., the Warren County Drug Task Force Council of Governments (COG) was established, and the charter members entered into the Warren County Drug Task Force Council of Governments Contract (hereinafter referred to as the Original Contract), a copy of which is attached hereto and made a part hereof; and

WHEREAS, periodically the Original Contract has been amended to reflect changes in membership and name; and

WHEREAS, the parties wish to amend and restate the Council of Governments Contract to clarify its terms, to accurately reflect the membership, and to secure proper authorization from each member;

NOW, THEREFORE, the Original Contract is hereby restated and amended as follows:

This Amended and Restated Cooperative Contract is entered into this _____ day of _____, 2020, between the Warren County Board of Commissioners, for and on behalf of the Warren County Prosecutor's Office and the Warren County Sheriff's Office; the Clinton County Board of Commissioners, for and on behalf of the Clinton County Prosecutor's Office; the Ohio Attorney General Bureau of Criminal Investigation (BCI); and Clearcreek Township, the City of Franklin, Hamilton Township, the City of Lebanon, the City of Loveland, the Village of Maineville, the City of Mason, the City of Monroe, the City of Springboro, the Village of Waynesville, the City of Wilmington, the Village of Harveysburg, and the Village of Carlisle for and on behalf of their respective Police Departments, (hereinafter, collectively, "the participating agencies").

WHEREAS:

The parties hereto are engaged in the provision of law enforcement services within their respective jurisdictions;

The parties have personnel who are trained to enforce criminal drug trafficking laws;

Each party owns equipment which is used in such enforcement;

The parties desire to provide a mechanism pursuant to which contributions of equipment and personnel may be utilized in furtherance of the purpose of maintaining a qualified and efficient Warren County Drug Task Force; and

Ohio Revised Code §167.01 permits the establishment of regional councils of government for the purpose of enforcing criminal drug trafficking laws.

I. LENGTH OF CONTRACT:

This Contract shall become effective upon approval by at least a majority vote of its members and shall remain in force and effect indefinitely unless terminated as provided herein.

II. WARREN COUNTY DRUG TASK FORCE POLICY BOARD:

- A. The Warren County Drug Task Force Policy Board shall consist of the Warren County Sheriff; the Warren County Prosecutor; the Clinton County Prosecutor; the Ohio Attorney General BCI; and the police chiefs of Clearcreek Township, Franklin, Hamilton Township, Lebanon, Loveland, Maineville, Mason, Monroe, Springboro, Waynesville, Wilmington, Harveysburg, and Carlisle.
- B. A majority of the Warren County Drug Task Force Policy Board constitutes a quorum for the transaction of business.
- C. Meetings of the Warren County Drug Task Force Policy Board will be held at such time and place as are specified in a notice of meeting.
- D. A meeting of the Warren County Drug Task Force Policy Board may be called by any member of the Board by giving notice of the time, place and purpose of such meeting to the other members of the Board. No meeting of the Board shall be held sooner than seven (7) days than the date of the notice of meeting. The notice of meeting shall be in writing and given to each of the parties by personal delivery or facsimile transmittal.
- E. The Warren County Drug Task Force Policy Board shall set policy for the enforcement of criminal drug trafficking laws within Warren County by the Warren County Drug Task Force, pursuant to the terms of this Contract.

III. RELATIONSHIP OF PARTIES:

- A. During the scope of any investigation covered by this Contract, participating personnel shall act under direction of the Commander of the Warren County Drug Task Force or Designee. This provision notwithstanding, the parties shall be independent contractors in connection with the performance of their respective obligations under this Contract and this Contract shall not be construed to create any partnership, joint venture, agency or franchise. Nor shall this Contract be construed to create an employer-employee relationship between the Warren County Drug Task Force, the participating agencies and personnel providing services pursuant to this Contract.
- B. Nothing contained herein shall be interpreted or construed to alter or modify the responsibilities of participating agencies as provided in the Ohio Revised Code,

relevant provisions of law and other contracts and agreements regarding compensation for the time, services, and expenses of personnel, and contributions to and liability for workers compensation, unemployment compensation benefits, retirement benefits, health care benefits and other benefits accrued by law enforcement personnel within the scope of any investigation covered by this Contract, or at any other time.

IV. GOVERNING LAW:

This Contract shall be construed in accordance with, and the legal relations between the parties shall be governed by, the laws of the State of Ohio as applicable to contracts executed and fully performed in the State of Ohio.

V. ALLOCATION OF LIABILITY:

All personnel providing services pursuant to this Contract shall, for purposes of allocation of liability to third parties only, be deemed to be acting under the direction and control of their respective participating agencies and not under the direction and control of the Warren County Drug Task Force, and the participating agencies shall assume the risk of any liability to third parties arising from the conduct, acts and omissions of such personnel.

VI. FISCAL AGENT:

The Warren County Auditor shall serve as the fiscal agent of the Warren County Drug Task Force.

VII. ENTIRE AGREEMENT:

This Contract contains the entire contract between the parties with respect to the subject matter thereof, and supersedes all prior written or oral contracts between the parties, specifically the Original Contract and Amendments thereto. No representations, promises, understandings, or agreements, otherwise, not herein contained shall be of any force or effect. The previously adopted bylaws attached hereto are hereby ratified and included as part of this Contract.

VIII. MODIFICATION OR AMENDMENT:

No modification or amendment of any provisions of this Contract shall be effective unless made by a written instrument, duly executed by the party to be bound thereby, which refers specifically to this Contract and states that an amendment or modification is being made in the respects as set forth in such amendment.

IX. CONSTRUCTION:

Should any portion of this Contract be deemed unenforceable by an administrative or judicial officer or tribunal of competent jurisdiction, the balance of this Contract shall remain in full force and effect unless revised or terminated pursuant to any other section of this Contract.

X. WAIVER:

No waiver by either party of any breach of any provision of this Contract, whether by conduct or otherwise, in any one or more instances shall be deemed to be, or construed as a further or continuing waiver of any such breach or as a waiver of any breach of any other provision of this Agreement. The failure of either party at any time or times to require performance of any provision of this Contract shall in no manner affect such party's right to enforce the same at a later time.

XI. ASSIGNMENT:

Neither party shall assign any of its rights or delegate any of its duties under this Contract without written consent of the other.

XII. HEADINGS:

Paragraph headings in this Contract are for the purposes of convenience and identification and shall not be used to interpret or construe this Contract.

XIII. PARTIES:

Whenever the parties are referred to herein, the reference shall include, without exception, the employees, agents and authorized representatives of the parties.

XIV. TERMINATIONS:

This Contract may be terminated by a majority vote of the members at a regular or special meeting. Members may withdraw in accordance with the bylaws.

XV. NOTICES:

All notices required to be given herein shall be in writing and shall be sent to the following respective addresses:

TO: Warren County Sheriff's Office
822 Memorial Drive
Lebanon, Ohio 45036
513/695-1280

- TO: Warren County Prosecutor's Office
520 Justice Drive
Lebanon, Ohio 45036
513/695-1325
- TO: Clinton County Prosecutor's Office
103 East Main Street
Wilmington, Ohio 45177
937/382-4559
- TO: BCI
P.O. Box 365
1560 State Route 56
London, Ohio 43140
- TO: Clearcreek Township Police Department
7593 Bunnell Hill Road
Springboro, Ohio 45066
513/748-1267
- TO: Franklin Police Department
400 Anderson Street
Franklin, Ohio 45005
937/746-2882
- TO: Hamilton Township Police Department
7780 South State Route 48
Maineville, Ohio 45039
513/683-0538
- TO: Lebanon Police Department
25 West Silver Street
Lebanon, Ohio 45036
513/932-2010
- TO: Loveland Police Department
126 South Lebanon Road
Loveland, Ohio 45140
513/583-3000
- TO: Maineville Police Department
8188 South State Route 48
Maineville, Ohio 45039
513/583-0048

TO: Mason Police Department
6000 Mason-Montgomery Road
Mason, Ohio 45040
513/229-8560

TO: Monroe Police Department
233 South Main Street
Monroe, Ohio 45150
513/539-9234

TO: Springboro Police Department
320 West Central Avenue
Springboro, Ohio 45066
937/748-0611

TO: Waynesville Police Department
1400 Lytle Road
Waynesville, Ohio 45068
513/897-8010

TO: Wilmington Police Department
69 North South Street
Wilmington, Ohio 45177
937/382-3833

TO: Harveysburg Police Department
79 W. Main Street
P.O. Box 189
Harveysburg, OH 45032
513/897-9926

TO: Carlisle Police Department
760 Central Avenue
Carlisle, OH 45005

XVI. Authorization for Contract:

This Contract has been signed by the respective parties pursuant to the attached resolutions.

APPROVED AS TO FORM:

Keith W. Anderson
Assistant Prosecuting Attorney

WARREN COUNTY BOARD OF COMMISSIONERS

Warren County Commissioners Resolution No. _____ adopted on the
_____ day of _____, 2020.

WITNESS the hand of David G. Young, President of the Board of Warren County
Commissioners, this _____ day of _____, 2020.

BOARD OF WARREN COUNTY COMMISSIONERS

David G. Young, President

Witness:

WARREN COUNTY SHERIFF

Larry L. Sims

Date: _____

Witness:

**WARREN COUNTY
PROSECUTING ATTORNEY**

David P. Fornshell

Date: _____

CLINTON COUNTY BOARD OF COMMISSIONERS

Clinton County Commissioners Resolution No. _____ adopted on the
_____ day of _____, 2020.

WITNESS the hand of _____, President of the Board of Clinton
County Commissioners, this _____ day of _____, 2020.

BOARD OF CLINTON COUNTY COMMISSIONERS

_____, President

Witness:

CLINTON COUNTY PROSECUTING ATTORNEY

Richard W. Moyer

Date: _____

**OHIO ATTORNEY GENERAL BUREAU OF CRIMINAL
INVESTIGATION**

Joseph Morbitzer, Superintendent
Bureau of Criminal Investigation
Ohio Attorney General

Date: _____

CLEARCREEK TOWNSHIP TRUSTEES

Clearcreek Township Trustees Resolution No. _____ adopted on the
_____ day of _____, 2020.

WITNESS the hand of _____, Chairman of the Board of Clearcreek
Township Trustees, this _____ day of _____, 2020.

BOARD OF CLEARCREEK TOWNSHIP TRUSTEES

Chairman

FRANKLIN CITY COUNCIL

Franklin City Council Resolution No. _____ adopted on the _____ day of _____, 2020.

WITNESS the hand of _____, City Manager of Franklin, this _____ day of _____, 2020.

CITY OF FRANKLIN

City Manager

APPROVED AS TO FORM

Lynnette Dinkler
Law Director, City of Franklin

HAMILTON TOWNSHIP TRUSTEES

Hamilton Township Trustees Resolution No. _____ adopted on the _____
day of _____, 2020.

WITNESS the hand of _____, Chairman of the Board of Hamilton
Township Trustees, this _____ day of _____, 2020.

BOARD OF HAMILTON TOWNSHIP TRUSTEES

Chairman

LEBANON CITY COUNCIL

Lebanon City Council Resolution No. _____ adopted on the _____ day of _____, 2020.

WITNESS the hand of _____, City Manager of Lebanon, this _____ day of _____, 2020.

CITY OF LEBANON

City Manager

LOVELAND CITY COUNCIL

Loveland City Council Resolution No. _____ adopted on the _____ day of _____, 2020.

WITNESS the hand of _____, City Manager of Loveland, this _____ day of _____, 2020.

CITY OF LOVELAND

City Manager

MAINEVILLE VILLAGE COUNCIL

Maineville Village Council Resolution No. _____ adopted on the _____
day of _____, 2020.

WITNESS the hand of _____, Village Manager of Maineville, this
_____ day of _____, 2020.

VILLAGE OF MAINEVILLE

Village Manager

MASON CITY COUNCIL

Mason City Council Resolution No. _____ adopted on the _____ day of _____, 2020.

WITNESS the hand of _____, City Manager of Mason, this _____ day of _____, 2020.

CITY OF MASON

City Manager

MONROE CITY COUNCIL

Monroe City Council Resolution No. _____ adopted on the _____ day of _____, 2020.

WITNESS the hand of _____, City Manager of Monroe, this _____ day of _____, 2020.

CITY OF MONROE

City Manager

SPRINGBORO CITY COUNCIL

Springboro City Council Resolution No. _____ adopted on the _____ day
of _____, 2020.

WITNESS the hand of _____, City Manager of Springboro, this
_____ day of _____, 2020.

CITY OF SPRINGBORO

City Manager

VILLAGE OF WAYNESVILLE

Waynesville Village Council Resolution No. _____ adopted on the _____
day of _____, 2020.

WITNESS the hand of _____, Village Manager of Waynesville, this
_____ day of _____, 2020.

VILLAGE OF WAYNESVILLE

Village Manager

WILMINGTON CITY COUNCIL

Wilmington City Council Resolution No. _____ adopted on the _____ day
of _____, 2020.

WITNESS the hand of _____, City Manager of Wilmington, this
_____ day of _____, 2020.

CITY OF WILMINGTON

City Manager

HARVEYSBURG VILLAGE COUNCIL

Harveysburg Village Council Resolution No. _____ adopted on the _____
day of _____, 2020.

WITNESS the hand of _____, Mayor of Village of Harveysburg, this
_____ day of _____, 2020.

VILLAGE OF HARVEYSBURG

Mayor

CARLISLE VILLAGE COUNCIL

Carlisle Village Council Resolution No. _____ adopted on the _____ day
of _____, 2020.

WITNESS the hand of _____, Mayor of Village of Carlisle, this
_____ day of _____, 2020.

VILLAGE OF CARLISLE

Mayor

WARREN COUNTY DRUG TASK FORCE COUNCIL OF GOVERNMENTS CONTRACT

This Cooperative Contract is entered into this ____ day of _____, 2000, between the City of Franklin, the City of Springboro, Clearcreek Township, the City of Lebanon, the City of Mason, and the Village of Carlisle, for and on behalf of their respective Police Departments, the Warren County Board of Commissioners, for and on behalf of the Warren County Prosecutor's Office and the Warren County Sheriff's Office (hereinafter, collectively, "the participating agencies").

WHEREAS:

The parties hereto are engaged in the provision of law enforcement services within their respective jurisdictions;

The parties have personnel who are trained to enforce criminal drug trafficking laws;

Each party owns equipment which is used in such enforcement;

The parties desire to provide a mechanism pursuant to which contributions of equipment and personnel may be utilized in furtherance of the purpose of maintaining a qualified and efficient Warren County Drug Task Force; and

Ohio Revised Code §167.01 permits the establishment of regional councils of government for the purpose of enforcing criminal drug trafficking laws.

I. LENGTH OF CONTRACT:

This Contract shall become effective on _____ and shall remain in force and effect up indefinitely unless terminated as provided herein.

II. WARREN COUNTY DRUG TASK FORCE POLICY BOARD:

- A. The Warren County Drug Task Force Policy Board shall consist of the Warren County Sheriff and the police chiefs of Lebanon, Mason, Franklin, Springboro, Carlisle and Clearcreek Township and the Warren County Prosecutor.
- B. A majority of the Warren County Drug Task Force Policy Board constitutes a quorum for the transaction of business.
- C. Meetings of the Warren County Drug Task Force Policy Board will be held at such time and place as are specified in a notice of meeting.

- D. A meeting of the Warren County Drug Task Force Policy Board may be called by any member of the Board by giving notice of the time, place and purpose of such meeting to the other members of the Board. No meeting of the Board shall be held sooner than seven (7) days than the date of the notice of meeting. The notice of meeting shall be in writing and giving to each of the parties by personal delivery or facsimile transmittal.
- E. The Warren County Drug Task Force Policy Board shall set policy for the enforcement of criminal drug trafficking laws within Warren County by the Warren County Drug Task Force, pursuant to the terms of this Contract.

III. RELATIONSHIP OF PARTIES:

- A. During the scope of any investigation covered by this Contract, participating personnel shall act under direction of the Director of the Warren County Drug Task Force or Designee. This provision notwithstanding, the parties shall be independent contractors in connection with the performance of their respective obligations under this Contract and this Contract shall not be construed to create any partnership, joint venture, agency or franchise. Nor shall this Contract be construed to create an employer-employee relationship between the Warren County Drug Task Force, the participating agencies and personnel providing services pursuant to this Contract.
- B. Nothing contained herein shall be interpreted or construed to alter or modify the responsibilities of participating agencies as provided in the Ohio Revised Code, relevant provisions of law and other contracts and agreements regarding compensation for the time, services, and expenses of personnel, and contributions to and liability for workers compensation, unemployment compensation benefits, retirement benefits, health care benefits and other benefits accrued by law enforcement personnel within the scope of any investigation covered by this Contract, or at any other time.

IV. GOVERNING LAW:

This Contract shall be construed in accordance with, and the legal relations between the parties shall be governed by, the laws of the State of Ohio as applicable to contracts executed and fully performed in the State of Ohio.

V. INDEMNIFICATION:

- A. All personnel providing services pursuant to this Contract shall, for purposes of allocation of liability to third parties only, be deemed to be acting under the direction and control of their respective participating agencies and not under the direction and control of the Warren County Drug Task Force, and the participating agencies shall

assume the risk of any liability to third parties arising from the conduct, acts and omissions of such personnel;

B. Each party hereto agrees that with respect to any investigation in which it participates, it will protect, indemnify, hold harmless and defend each political subdivision or other participating agency in any such investigation, and each and every specialized law enforcement person who has so participated, against any claim, loss, damage, cause of action, expense, attorney fees, or other costs of defense. Provided, however, that such duty to indemnify and defend shall not apply to a participating agency and its personnel to the extent that any such personnel have acted outside the scope of lawful orders issued by their respective participating agencies or the Warren County Drug Task Force, or to the extent that any such personnel willfully and maliciously cause injury to person or property.

1. If any party challenges its duty to indemnify and defend against any claim or action, it shall within thirty (30) days after receiving written notice of such claim or action, give written notice to the parties herein, that it will defend under a reservation of rights until it is decided whether or not such participating agency owes a duty to indemnify and defend under the terms of this Contract.
2. In the event of any claim or action arising under circumstances to which this Contract applies, and whether or not a reservation of rights is made, any participating agency, as a condition to obtaining the benefits of this Contract, shall give its full cooperation to any participating agency assuming the defense of such claim or action in accordance with the terms of this Contract.
3. The parties may bring an action for declaratory judgment in the Common Pleas Court of Warren County, Ohio, to determine which participating agency owes a duty to indemnify and defend under the terms of this Contract. In any such litigation, the prevailing party shall be entitled to an award of reasonable attorney fees and other costs of litigation, against the non-prevailing party or parties.

VI. FISCAL AGENT:

The Warren County Auditor shall serve as the fiscal agent of the Warren County Drug Task Force.

VII. ENTIRE AGREEMENT:

This Contract contains the entire contract between the parties with respect to the subject matter thereof, and supersedes all prior written or oral contracts between the parties. No

representations, promises, understandings, or agreements, otherwise, not herein contained shall be of any force or effect.

VIII. MODIFICATION OR AMENDMENT:

No modification or amendment of any provisions of this Contract shall be effective unless made by a written instrument, duly executed by the party to be bound thereby, which refers specifically to this Contract and states that an amendment or modification is being made in the respects as set forth in such amendment.

IX. CONSTRUCTION:

Should any portion of this Contract be deemed unenforceable by an administrative or judicial officer or tribunal of competent jurisdiction, the balance of this Contract shall remain in full force and effect unless revised or terminated pursuant to any other section of this Contract.

X. WAIVER:

No waiver by either party of any breach of any provision of this Contract, whether by conduct or otherwise, in any one or more instances shall be deemed to be, or construed as a further or continuing waiver of any such breach or as a waiver of any breach of any other provision of this Agreement. The failure of either party at any time or times to require performance of any provision of this Contract shall in no manner affect such party's right to enforce the same at a later time.

XI. ASSIGNMENT:

Neither party shall assign any of its rights or delegate any of its duties under this Contract without written consent of the other.

XII. HEADINGS:

Paragraph headings in this Contract are for the purposes of convenience an identification and shall not be used to interpret or construe this Contract.

XIII. PARTIES:

Whenever the parties are referred to herein, the reference shall include, without exception, the employees, agents and authorized representatives of the parties.

XIV. TERMINATIONS:

Any party may terminate this Contract with or without cause with thirty (30) days written notice to the other parties.

XV. NOTICES:

All notices required to be given herein shall be in writing and shall be sent to the following respective addresses:

TO: Warren County Sheriff's Office
550 Justice Drive
Lebanon, Ohio 45036
513/695-1280

TO: Tim Oliver
Warren County Prosecuting Attorney
500 Justice Drive
Lebanon, Ohio 45036
513/695-1325

TO: Clearcreek Township Police Department
7593 Bunnell Hill Road
Springboro, Ohio 45066
513/748-1267

TO: Franklin Police Department
41 East Fourth Street
Franklin, Ohio 45005
513/746-2882

TO: Lebanon Police Department
25 West Silver Street
Lebanon, Ohio 45036
513/932-2010

TO: Mason Police Department
202 West Main Street
Mason, Ohio 45040
513/398-5050

TO: Springboro Police Department
280 West Central
Springboro, Ohio 45066
513/748-0611

TO: Carlisle Police Department
474 Fairview Drive
Carlisle, Ohio 45005
513/743-7728

XVI. Authorization For Contract:

This Contract has been signed by the respective parties pursuant to the attached resolutions.

APPROVED AS TO FORM:

RACHEL A. HUTZEL
Assistant Prosecuting Attorney

WARREN COUNTY BOARD OF COMMISSIONERS

Warren County Commissioners Resolution No. _____ adopted on the _____ day of _____, 2000;

WITNESS the hand of Pat Arnold South, President of the Board of Warren County Commissioners this _____ day of _____, 2000.

BOARD OF WARREN COUNTY COMMISSIONERS

Pat Arnold South, President

Witness:

WARREN COUNTY SHERIFF

By: _____

Date: _____

Witness:

**WARREN COUNTY
PROSECUTING ATTORNEY**

TIM OLIVER

Date: _____

CLEARCREEK TOWNSHIP TRUSTEES

Clearcreek Township Trustees Resolution No. _____ adopted on the _____ day of _____, 2000;

WITNESS the hand of G. Edward Wade, Chairman of the Board of Clearcreek Township Trustees this _____ day of _____, 2000.

BOARD OF CLEARCREEK TOWNSHIP TRUSTEES

G. EDWARD WADE, Chairman

FRANKLIN CITY COUNCIL

Franklin City Council Resolution No. _____ adopted on the _____ day of _____, 2000.

WITNESS the hand of _____, City Manager of Franklin, this _____ day of _____, 2000.

CITY OF FRANKLIN

City Manager

LEBANON CITY COUNCIL

Lebanon City Council Resolution No. _____ adopted on the _____ day of _____, 2000.

WITNESS the hand of _____, City Manager of Lebanon, this _____ day of _____, 2000.

CITY OF LEBANON

City Manager

MASON CITY COUNCIL

Mason City Council Resolution No. _____ adopted on the _____ day of _____, 2000.

WITNESS the hand of _____, City Manager of Mason, this _____ day of _____, 2000.

CITY OF MASON

City Manager

SPRINGBORO CITY COUNCIL

Springboro City Council Resolution No. _____ adopted on the _____ day of _____, 2000.

WITNESS the hand of _____, City Manager of Springboro, this _____ day of _____, 2000.

CITY OF SPRINGBORO

City Manager

CARLISLE VILLAGE COUNCIL

Carlisle Village Council Resolution No. _____ adopted on the _____ day of _____, 2000.

WITNESS the hand of _____, Village Manager of Carlisle, this _____ day of _____, 2000.

VILLAGE OF CARLISLE

Village Manager

LEGISLATIVE COVER MEMORANDUM

Introduction: May 4, 2020
Public Hearing & Vote: May 18, 2020
Effective Date: June 17, 2020

Agenda Item: **Ordinance 2020-07**
DETERMINING TO PROCEED WITH THE IMPROVEMENT OF
CITY STREETS AND PUBLIC WAYS BY THE LIGHTING THEREOF
FOR THE YEAR 2021

Submitted By: Lynnette Dinkler, Acting Clerk of Council

Scope/Description: This is the second of three steps Council must act upon to implement the annual street lighting assessments for 2021.

Exhibits: None

Budgetary Impact: \$170,000 is the total projected cost for lighting of the streets, lanes and public ways for 2021. The City funds 2% of the total, or \$3,400 and the Property Owner's share is \$166,600.

Vote Required for Passage: Per Section 4.03 of the City Charter, the passage of this Ordinance requires the affirmative vote of a majority of Council members present at the meeting.

RECOMMENDATION: Approval

CITY OF FRANKLIN, OHIO
ORDINANCE 2020-07

**DETERMINING TO PROCEED WITH THE IMPROVEMENT OF CITY STREETS AND PUBLIC
WAYS BY THE LIGHTING THEREOF FOR THE YEAR 2021**

WHEREAS, Section 727.23 of the Ohio Revised Code requires the legislative authority of a municipal corporation that has adopted a Resolution of Necessity, pursuant to Section 727.12 of the Ohio Revised Code, to determine whether it will proceed with the proposed improvement;

WHEREAS, this Council adopted such Resolution of Necessity of Improving City Streets and Public Ways by the Lighting Thereof for the Year 2021, by Resolution 2020-20, on April 6, 2020, and the passage of such Resolution has been advertised as required by law for two consecutive weeks;

WHEREAS, the Finance Director, in accordance with Resolution 2020-20, has filed with the Acting Clerk of Council on April 7, 2020 estimated assessments, showing the amount of the special assessment against each lot to be assessed;

WHEREAS, in accordance with Sections 727.15, 727.18 and 727.23 of the Ohio Revised Code, the time for filing claims for damages and objections has passed, and no claims for damages nor any objections were filed; and

WHEREAS, this Council finds it to be in the best interests of the health, safety and welfare of the City of Franklin, Ohio and its residents to proceed with the proposed improvement.

THE CITY OF FRANKLIN HEREBY ORDAINS, a majority of the members of Council present concurring, that:

Section 1. It is determined to proceed with improving the streets and other public ways within the corporate limits of the City by the lighting thereof for the year 2021, said lighting to be provided by electrical lighting, in accordance with the provisions of Resolution 2020-20 passed by this body on April 6, 2020.

Section 2. The estimated special assessments, prepared and filed in accordance with Resolution 2020-20, are hereby adopted.

Section 3. All claims for damages resulting from the improvement that have been filed in accordance with law shall be judicially inquired into before commencement of the improvement in accordance with Sections 727.23 and 727.18.

Section 4. It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

Section 5. This Ordinance shall go into effect on June 17, 2020.

INTRODUCED:

ADOPTED:

ATTEST: _____ APPROVED: _____
Lynnette Dinkler, Acting Clerk of Council Brent W. Centers, Mayor

Approved as to legal form:

Lynnette Dinkler
Law Director

LEGISLATIVE COVER MEMORANDUM

Introduction: May 4, 2020
Public Hearing: May 18, 2020
Effective Date: June 17, 2020

Agenda Item: **ORDINANCE 2020-08** **AUTHORIZING THE SALE OF CITY OWNED REAL ESTATE SITUATED AT 449 SOUTH MAIN STREET, FRANKLIN, OHIO BY COMPETITIVE BIDDING**

Submitted By: Lynnette Dinkler, Law Director

Scope/Description: This Ordinance allows for the sale of City-owned real estate situated at 449 South Main Street, Franklin, Ohio by competitive bidding in compliance with the City's Charter, Section 3.03(i).

Attachments: None.

Budgetary Impact: Unknown at this time. The use of competitive bidding will determine if the property will produce income.

Vote Required for Passage: Per Section 4.03(b) of the City Charter, the passage of this Ordinance requires the affirmative vote of a majority of the members of the Council present.

CITY OF FRANKLIN, OHIO
ORDINANCE 2020-08

**AUTHORIZING THE SALE OF CITY OWNED REAL ESTATE SITUATED AT 449 SOUTH
MAIN STREET, FRANKLIN, OHIO BY COMPETITIVE BIDDING**

WHEREAS, the City of Franklin owns real estate situated at 449 South Main Street, Franklin, Ohio 45005; Warren County; Parcel ID: 04-31-131-017; more fully described on Exhibit A;

WHEREAS, the City of Franklin desires to determine if the property can be put to productive use through its sale via competitive bidding; and

WHEREAS, the City of Franklin Charter provides at Section 3.03 Powers of Council, sub-section (i) Real Property, in relevant part:

The power to sell or otherwise convey, lease or grant shall be in the manner as provided by the ordinance authorizing the sale, conveyance, lease or grant; provided that real estate shall not be sold or leased except to the highest and best bidder after competitive bids have been received pursuant to a notice of the proposed sale or lease published once a week for four (4) consecutive weeks in a newspaper of general circulation in the City.

THE CITY OF FRANKLIN HEREBY ORDAINS, a majority of the members of Council present concurring, that:

Section 1. Council desires to put 449 South Main Street real property out for competitive bidding.

Section 2. The manner to be used to sell the real estate by competitive bidding is as follows:

1. Following the effective date of this Ordinance, a notice announcing competitive bidding for the proposed sale of the real estate shall be published once a week for four (4) consecutive weeks in a newspaper of general circulation in the City.
2. The notice announcing competitive bidding for the proposed sale of the real estate shall be published once a week for four (4) consecutive weeks on the City's website.
3. Bid Packets will set forth the criteria to be used in evaluating responsive proposals for the highest and best bidder.
4. The City shall reserve the right to reject all bids.

Section 3. It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Ohio Revised Code §121.22 and the Rules of Council.

Section 3. This Ordinance shall become effective thirty days after its passage.

INTRODUCED:

ADOPTED:

ATTEST: _____ APPROVED: _____
Lynnette Dinkler, Acting Clerk of Council Brent Centers, Mayor

Approved as to legal form:

Lynnette Dinkler
Law Director

EXHIBIT A – LEGAL DESCRIPTION

Situate in the County of Warren, in the State of Ohio, and in the City of Franklin; Lot Numbered FIVE HUNDRED TWENTY SEVEN (527) as the same is known and designated on the record plat of the said City of Franklin, Warren County, Ohio, as recorded in Plat Book 2, Pages 17 through 37 of the Plat Records of Warren County, Ohio.

Auditor Parcel No: 04-31-131-017

More commonly known as: 449 S. Main Street, Franklin, OH 45005

Subject to all restrictions, easements, conditions and covenants of record, and all legal highways, and subject to real estate taxes and assessments becoming due and payable in the month of June or December, next following the execution of this deed, whichever month first occurs and thereafter.

Prior Deed Reference: Deed 2014-009435; Official Record 3963, Page 733 of the Deed Records of Warren County, Ohio.