



🏠 **Location:** Virtual
📅 **Date:** Monday, April 5, 2021
🕒 **Time:** 6:00 PM

CLERK'S JOURNAL

CITY COUNCIL

Brent Centers, Mayor
Todd Hall, Vice Mayor
Michael Aldridge
Denny Centers
Debbie Fouts
Paul Ruppert
Matt Wilcher

CITY STAFF

Jonathan Westendorf, City Manager
Karisa Steed, Assistant to the City Manager
Lynnette Dinkler, Law Director
Cindy Ryan, Finance Director
Brian Pacifico, Acting Police Chief
Barry Conway, City Engineer
Steve Inman, Public Works Director
Khristi Dunn, Clerk of Council

Members of the Franklin City Council met in regular session on Monday, April 5, 2021, 6:00 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 with Mayor Brent Centers presiding.

1. Call to Order. Mayor Brent Centers called the regularly scheduled meeting of the Franklin City Council on Monday, April 5, 2021 to order at 6:00 PM.

2. Roll Call. Ms. Dunn called roll which showed:

MR. DENNY CENTERS	PRESENT
MR. PAUL RUPPERT	PRESENT
VICE MAYOR TODD HALL	PRESENT
MAYOR BRENT CENTERS	PRESENT
MR. MICHAEL ALDRIDGE	PRESENT
MRS. DEBBIE FOUTS	PRESENT
MR. MATT WILCHER	PRESENT

Mr. Conway, Ms. Dinkler, Ms. Dunn, Mr. Inman, Lt. Pacifico, Ms. Ryan, Ms. Steed and Mr. Westendorf were also present. There were three guests and one member of the press in attendance.

3. Pledge of Allegiance. The pledge of allegiance was led by Mayor B. Centers.

4. Approve the Clerk's Journal and Accept the Tapes as the Official Minutes of the March 15, 2021 Meeting. Mayor B. Centers asked if there were any amendments to the Clerk's Journal. Hearing none, he called for a motion. Vice Mayor Hall made the motion to approve the Clerk's Journal and

accept the tapes as the Official Minutes of the March 15, 2021 general meeting; seconded by Mr. Aldridge. The vote:

MR. PAUL RUPPERT	yes
VICE MAYOR TODD HALL	yes
MAYOR BRENT CENTERS	yes
MR. MICHAEL ALDRIDGE	yes
MRS. DEBBIE FOUTS	yes
MR. MATT WILCHER	yes
MR. DENNY CENTERS	yes

Motion passed.

5. Reception of Visitors. Mayor Brent Centers opened the Reception of Visitors at 6:02 PM. Susan and Andy Stewart of 9359 Vaughn Lane were in attendance regarding Resolution 2021-26. The Mayor thanked the Stewarts and explained that there would be a Public Hearing regarding their application if they would like to speak during that time. There were no others who asked to be heard. The Mayor closed the Reception of Visitors at 6:02PM.

6. Presentation.

A. None.

7. Public Hearing.

A. RESOLUTION 2021-26 APPROVING JAMES A. STEWART’S, ET AL., RENEWAL APPLICATION FOR PLACEMENT OF 54.657 ACRES OF LAND IN AN AGRICULTURAL DISTRICT (Lynnette Dinkler)

A. Exhibit A

B. Exhibit B

This Resolution approves the renewal application filed by the Stewart families with the Warren County Auditor for placement of land within an agricultural district (CAUV). The application is for 54.657 acres of farmland owned by the Stewarts, located along Pennyroyal Road, which lie within the City of Franklin. This land has been in an agricultural district since 1995, and is currently zoned A-1, Agricultural. The land is used for agricultural purposes.

Because this land lies within the City, the Stewarts were required by law to seek Council’s approval of the original placement of the land in the CAUV and the renewals must also be placed before Council for public hearing and action by legislation in order to obtain the requested renewal. Council may reject such application only upon a showing that the rejection is necessary to prevent a substantial, adverse effect on the provision of municipal services within the City, or the public health, safety or welfare. Additionally, Council may approve with modification. Staff has identified no reason for the application to be rejected or approved with modification.

Approval of this application will allow the land to continue to be taxed at its current agricultural use valuation (CAUV) under Ohio law.

The Mayor opened the Public Hearing at 6:03 PM. The Stewarts confirmed they were still farming the land and requested approval of the renewal application. The Mayor asked if any others that would like to be heard. Hearing none he closed the Public Hearing at 6:04 PM.

The Mayor opened the floor for Council deliberation. He asked if there were any questions or comments. Hearing none, he called for a motion. Mr. Ruppert made the motion to adopt **RESOLUTION 2021-26** as submitted; seconded by Mr. D. Centers. The vote:

VICE MAYOR TODD HALL	yes
MAYOR BRENT CENTERS	yes
MR. MICHAEL ALDRIDGE	yes
MRS. DEBBIE FOUTS	yes
MR. MATT WILCHER	yes
MR. DENNY CENTERS	yes
MR. PAUL RUPPERT	yes

Motion passed.

B. ORDINANCE 2021-03 REPEALING IN ITS ENTIRETY CHAPTER 924 TITLED “ILLICIT DISCHARGE AND ILLEGAL CONNECTION CONTROL” OF THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO, AND ENACTING A NEW CHAPTER 924, TITLED “ILLICIT DISCHARGE DETECTION AND ELIMINATION” (Barry Conway)

A. Exhibit A

B. Exhibit B

These proposed changes were requested by the Warren County Soil and Water Conservation District and the Warren County Engineer - as directed by Ohio Environmental Protection Agency (OEPA). In 2019 the City of Franklin entered into an agreement with the Warren County Soil and Water Conservation District to administer the requirements of the Clean Water Act and more specifically the requirements the City adheres to as a MS4 (Municipal Separate Storm Sewer System). The County Agency has entered into agreements with most entities in the County to provide this service and at a substantial savings to the entities. As part of this service the District is trying to make ordinances and regulations more consistent across the County, and at the direction of Ohio EPA changes to these ordinances are required for proper compliance with the City’s MS4 permit.

The Mayor opened and closed the Public Hearing at 6:06 PM as none asked to be heard. The Mayor opened the floor for Council deliberation. He asked if there were any questions or comments. Hearing none, he called for a motion. Vice Mayor Hall made the motion to adopt **ORDINANCE 2021-03** as submitted; seconded by Mr. Wilcher. The vote:

MAYOR BRENT CENTERS	yes
MR. MICHAEL ALDRIDGE	yes
MRS. DEBBIE FOUTS	yes
MR. MATT WILCHER	yes
MR. DENNY CENTERS	yes
MR. PAUL RUPPERT	yes
VICE MAYOR TODD HALL	yes

Motion passed.

C. ORDINANCE 2021-04 AMENDING CHAPTER 1103 DEFINITIONS AND SECTION 1107.07 PARKS AND RECREATION DISTRICT OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE (Barry Conway)

- A. Exhibit A
- B. Exhibit B

This Ordinance would amend Chapter 1103, Definitions and Section 1107.07, Parks and Recreation District of the Unified Development Ordinance. These amendments would add additional definitions and also additional uses and standards to the UDO for Private Parks and Event Centers. These amendments were presented at Planning Commission and it was approved 7-0 to recommend to Council.

The Mayor opened and closed the Public Hearing at 6:09 PM as none asked to be heard. The Mayor opened the floor for Council deliberation. He added that Planning Commission had a lengthy discussion regarding this issue but ultimately voted unanimously to recommend approval to Council. He asked if there were any questions or comments. Hearing none, he called for a motion. Mr. Ruppert made the motion to adopt **ORDINANCE 2021-04** as submitted; seconded by Mr. Aldridge. The vote:

MR. MICHAEL ALDRIDGE	yes
MRS. DEBBIE FOUTS	yes
MR. MATT WILCHER	yes
MR. DENNY CENTERS	yes
MR. PAUL RUPPERT	yes
VICE MAYOR TODD HALL	yes
MAYOR BRENT CENTERS	yes

Motion passed.

8. New Business.

A. RESOLUTION 2021-27 DECLARING THE NECESSITY OF IMPROVING CITY STREETS AND PUBLIC WAYS BY THE LIGHTING THEREOF FOR THE YEAR 2022 (Jonathan Westendorf)

This is the first step in the street light assessment process for 2021. The street lighting assessment program is used for lighting public ways and can also be used to purchase new street lights. This process is used for all assessment projects normally done for road improvements, as required by the ORC. Mr. Westendorf clarified that this is the annual legislation and does not include the upgrade of LED lights.

The City pays for 2% of the assessed cost to cover the City's share of the improvement and the cost of lighting intersections, and the remaining 98% of the cost is paid by special assessment levied on all properties within the City. The assessments are levied by a percentage of the tax value of the property and are paid in two semi-annual installments.

The Mayor asked for a motion. Mr. Wilcher made the motion to adopt **RESOLUTION 2021-27** as submitted; seconded by Vice Mayor Hall. The vote:

MRS. DEBBIE FOUTS	yes
MR. MATT WILCHER	yes
MR. DENNY CENTERS	yes
MR. PAUL RUPPERT	yes
VICE MAYOR TODD HALL	yes
MAYOR BRENT CENTERS	yes
MR. MICHAEL ALDRIDGE	yes

Motion passed.

B. RESOLUTION 2021-28 AUTHORIZING THE PURCHASE OF A NEW LEAF VAC TRUCK FOR THE PUBLIC WORKS DEPARTMENT FROM BEST EQUIPMENT THROUGH THE SOURCEWELL NATIONAL PURCHASING PROGRAM (Steve Inman)

a. Exhibit A

This Resolution authorizes the purchase of a new Leaf Vac Truck from Best Equipment Company on National bid for a total cost of \$202,827.87. This would be spread over 5 years on a lease/buy program for \$43,681.00 a year. After the 5 years we will own the Leaf Vac Truck. This would be spread over two funds, Street and Storm at \$21,840.50 each.

The Mayor asked for a motion. Mr. D. Centers made the motion to adopt **RESOLUTION 2021-28** as submitted; seconded by Mr. Aldridge. The vote:

MR. MATT WILCHER	yes
MR. DENNY CENTERS	yes
MR. PAUL RUPPERT	yes
VICE MAYOR TODD HALL	yes
MAYOR BRENT CENTERS	yes
MR. MICHAEL ALDRIDGE	yes
MRS. DEBBIE FOUTS	yes

Motion passed.

C. RESOLUTION 2021-29 AUTHORIZING THE PURCHASE OF A NEW JOHN DEERE 310SL BACKHOE FOR THE PUBLIC WORKS DEPARTMENT FROM MURPHY TRACTOR & EQUIPMENT THROUGH THE OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES COOPERATIVE PURCHASING PROGRAM (Steve Inman)

A. Exhibit A

This Resolution authorizes the purchase of a new John Deere 310SL Backhoe from Murphy Tractor & Equipment on State bid for a total cost of \$102,951.32. This Price includes a \$12,000 trade-in for our old 1999 Case Backhoe. This would be spread across 4 funds Water, Sewer, Street and Storm. This expense is included in the departments Capital Improvement fund.

The Mayor asked for a motion. Mr. Ruppert made the motion to adopt **RESOLUTION 2021-29** as submitted; seconded by Vice Mayor Hall. The vote:

MR. DENNY CENTERS	yes
MR. PAUL RUPPERT	yes
VICE MAYOR TODD HALL	yes
MAYOR BRENT CENTERS	yes
MR. MICHAEL ALDRIDGE	yes
MRS. DEBBIE FOUTS	yes
MR. MATT WILCHER	yes

Motion passed.

D. RESOLUTION 2021-30 AUTHORIZING THE PURCHASE OF TWO POLICE VEHICLES FOR THE POLICE DIVISION FROM GREVE CHRYSLER JEEP DODGE OF VANWERTTHROUGH THE STATE PURCHASING PROGRAM AND THE EQUIPPING OF THE SAME (Brian Pacifico)

A. Exhibit A

The City of Franklin Division of Police follows a practice of rotation of cruisers fleet to protect the health, safety and welfare of its law enforcement officers and the community it serves. In keeping with this practice, the purchase of two vehicles is recommended for this year: Two new 2021 Dodge Durango's along with the necessary equipment to perform patrol functions. The Budget impact is \$68,646.00 for Cruisers/\$48,317.00 for Equipment.

The Mayor asked for a motion. Vice Mayor Hall made the motion to adopt **RESOLUTION 2021-30** as submitted; seconded by Mr. Wilcher. The vote:

MR. PAUL RUPPERT	yes
VICE MAYOR TODD HALL	yes
MAYOR BRENT CENTERS	yes
MR. MICHAEL ALDRIDGE	yes
MRS. DEBBIE FOUTS	yes
MR. MATT WILCHER	yes
MR. DENNY CENTERS	yes

Motion passed.

E. RESOLUTION 2021-31 AUTHORIZING THE SALE OF SURPLUS CITY PROPERTY BY INTERNET AUCTION (Jonathan Westendorf)

The Ohio Revised Code requires a general notice to the public regarding how the City will dispose of its surplus property should it elect to use on-line auctioning services, such as GovDeals. This resolution is being passed to place the public on notice of the general terms and conditions the City will follow in selling surplus property via on-line auctions.

The Mayor asked for a motion. Mr. Aldridge made the motion to adopt **RESOLUTION 2021-31** as submitted; seconded by Mrs. Fouts. The vote:

VICE MAYOR TODD HALL	yes
MAYOR BRENT CENTERS	yes
MR. MICHAEL ALDRIDGE	yes
MRS. DEBBIE FOUTS	yes
MR. MATT WILCHER	yes
MR. DENNY CENTERS	yes
MR. PAUL RUPPERT	yes

Motion passed.

F. RESOLUTION 2021-32 APPROVING SALE OF SURPLUS CITY PERSONAL PROPERTY WITH ESTIMATED VALUE IN EXCESS OF \$1,000 AND AUTHORIZING CITY MANAGER TO AFFECT SALE OF 2006 FORD EXPEDITION (Jonathan Westendorf)

A. Exhibit A

The Fire Division has a 2006 Ford Expedition with an estimated value of \$1,500. The truck is no longer serviceable. The Fire Division benefits by selling it. It is the recommendation of staff that the truck be sold by public or on-line auction.

Mr. D. Centers asked how many miles were on the vehicle. Mr. Westendorf did not have the mileage readily available but added that the number of hours the vehicle has idled while on scene is also a factor. This vehicle has had mechanical issues in the past.

The Mayor asked for a motion. Vice Mayor Hall made the motion to adopt **RESOLUTION 2021-32** as submitted; seconded by Mr. Aldridge. The vote:

MAYOR BRENT CENTERS	yes
MR. MICHAEL ALDRIDGE	yes
MRS. DEBBIE FOUTS	yes
MR. MATT WILCHER	yes
MR. DENNY CENTERS	yes
MR. PAUL RUPPERT	yes
VICE MAYOR TODD HALL	yes

Motion passed.

9. Introduction of New Legislation.

A. None

10. City Manager's Report. Mr. Westendorf updated Council on the following items:

The utility billing issue is still being resolved. Staff will work with residents who need time to pay the underbilled amount. This issue impacted approximately 900 customers.

Lane delineators were installed at SR-123.

Jergens will be grinding and doing base repair on Industrial Drive which will reduce traffic to one lane.

Duke is continuing signal updates at 4th & Riley, 6th & Riley and 6th & Anderson over the next month.

The Construction process kicked off with schools during an infrastructure meeting and staff has an upcoming meeting about modular classrooms being installed. Mr. Westendorf wants to prepare the

community for the increased usage of the current high school over the next few years during construction.

He congratulated staff on the Soar Into Spring Event which was well received by the community. Staff is exploring an internship opportunity with Miami University. The Mayor asked if this was a Planning & Development Internship. Mr. Westendorf said several positions including Planning, Parks, Finance, as well as others are being considered.

Mr. Westendorf submitted a letter to the Warren County Commissioners seeking an endorsement for CBDG funding to pay for the installation of Public Wi-Fi Downtown and at the Community Parks. He asked Council for any additional agenda items for the upcoming joint School Board/Council meeting so they can be published in the Special Meeting Notice.

The Mayor thanked Mr. Westendorf for the work that is being put in and staff for the sharing of information on Social Media.

11. Council Comments.

Mr. Wilcher had no comments.

Mrs. Fouts gave condolences to Mr. Wilcher on the passing of his father.

She spoke during the past week at the Franklin Area Women's Networking group on women in local leadership. The event was interesting, and she is thankful for Council and Staff. Council is unified and staff provides information to foster a cohesive atmosphere.

She received her second vaccine and is ready to get back to normal.

Mr. Aldridge thanked staff for their efforts. He liked the Soar into Spring event. He agreed with Mrs. Fouts about the cohesive atmosphere of Council. He is excited about the upcoming changes within the City. He complimented Mr. Westendorf on his weekly updates to Council.

Mr. D. Centers echoed the previous comments. He asked about the property at Franklin Tavern. Mr. Westendorf said this would be discussed later in the meeting. He asked about the exits at Dollar Store and Save-A-Lot and said the holes coming out of the parking lots could damage a vehicle. He asked that this be addressed.

Mr. Ruppert asked about the Marathon Station at SR-123. There is trash and junk that needs cleaned up at the front of the business. He thanked staff for their work and for keeping Council informed.

Vice Mayor Hall asked if the bathrooms at the Community park are in working order and if they could be unlocked for baseball games. Mr. Inman confirmed they were working, and he was unaware that the restrooms were locked, but would make sure they are unlocked moving forward. He enjoyed watching the Soar Into Spring event on Social Media and complimented staff on promoting information on Social Media. He appreciates Council and staff, and how well Council works together. He is excited to see the new Durango's and complimented Lt. Pacifico on choosing the vehicles.

The Mayor also complimented staff on Soar Into Spring and the push of information to the Community via Social Media. He reminded Council that the Charter Review committee is being formed and asked for referrals.

Executive Session. Mayor Brent Centers called for a motion to enter into executive session to consider the purchase of real property and to receive general legal advice on such real property matter which is in an investigative and information-seeking nature; and to consider the appointment, employment and compensation of a public employee or official.

Mr. Ruppert made the motion to enter into executive session; seconded by Mr. Aldridge. The Mayor called for a voice vote and by voice vote the motion was approved 7-0. Council entered into executive session at approximately 6:44 PM with planned action to follow.

Vice Mayor Hall made the motion to adjourn out of executive session; seconded by Mr. Aldridge. The vote:

MR. MICHAEL ALDRIDGE	yes
MRS. DEBBIE FOUTS	yes
MR. MATT WILCHER	yes
MR. DENNY CENTERS	yes
MR. PAUL RUPPERT	yes
VICE MAYOR TODD HALL	yes
MAYOR BRENT CENTERS	yes

Motion passed.

Council adjourned out of executive session at approximately 8:15 PM.

12. New Business.

A. RESOLUTION 2021-33 – DECLARING CITY MANAGER, THE CITY'S CONTRACTING OFFICER, TO BE EMPOWERED TO ACQUIRE TITLE TO OR INTERESTS IN REAL PROPERTY, FORMERLY KNOWN

AS 335 S. MAIN STREET, FRANKLIN, OHIO, PERMANENT PARCEL ID#: 04-32-386-015. (Jonathan Westendorf)

A. Exhibit A

This property was sold without bidding to MJ Holdings in order to stimulate economic development for the downtown area. Unfortunately, the burdens of COVID rendered the project economically unfeasible for MJ Holdings to continue as planned in good faith by MJ Holdings and the City of Franklin. This resolution will empower the City Manager to purchase the identified property within the City of Franklin for \$1.00.

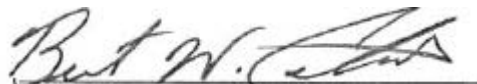
The Mayor asked for a motion. Mr. Wilcher made the motion to adopt **RESOLUTION 2021-33** as submitted; seconded by Mr. D. Centers. The vote:

MRS. DEBBIE FOUTS	yes
MR. MATT WILCHER	yes
MR. DENNY CENTERS	yes
MR. PAUL RUPPERT	yes
VICE MAYOR TODD HALL	yes
MAYOR BRENT CENTERS	yes
MR. MICHAEL ALDRIDGE	yes

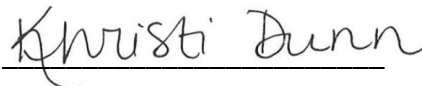
Motion passed.

After the meeting adjourned, it was brought to Council and Staff's attention that a voice vote should not be used to exit into executive session. The executive session and subsequent RESOLUTION 2021-33 were negated and were placed on the next regular meeting agenda.

13. Adjournment. The Mayor called for a motion to adjourn the meeting. Vice Mayor Hall made the motion; seconded by Mrs. Fouts. The Mayor called for a voice vote and by voice vote the motion was approved 7-0. Mayor B. Centers adjourned the meeting at 8:17 PM.



Brent Centers, Mayor



Khristi Dunn, Clerk of Council