



🏠 Location: 1 Benjamin Franklin Way
📅 Date: Monday, May 17, 2021
🕒 Time: 6:00 PM

Regular Meeting Agenda

1. Call to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approve the Clerk's Journal and Accept the Tapes as the Official Minutes of the May 3, 2021 Meeting.
5. Reception of Visitors.
6. Presentation.
 - A. None.
7. Public Hearing.
 - A. ORDINANCE 2021-07 DETERMINING TO PROCEED WITH THE IMPROVEMENT OF CITY STREETS AND PUBLIC WAYS BY THE LIGHTING THEREOF FOR THE YEAR 2022 (Khristi Dunn)

 - B. ORDINANCE 2021-08 ESTABLISHING A 180 DAY MORATORIUM ON THE ESTABLISHMENT OR COMMENCEMENT OF MEDICAL MARIJUANA CULTIVATORS, PROCESSORS AND/OR RETAIL DISPENSARIES WITHIN THE CITY OF FRANKLIN (Lynnette Dinkler)
8. New Business.
 - A. RESOLUTION 2021-40 APPOINTING MEMBERS TO THE CITY OF FRANKLIN CHARTER REVIEW COMMISSION (Brent Centers)

 - B. RESOLUTION 2021-41 AWARDING THE BID AND AUTHORIZING EXECUTION OF THE CONTRACT WITH BARRETT PAVING MATERIALS, INC. FOR THE 2021 MUNICIPAL PAVING PROJECT (Barry Conway)

 - C. RESOLUTION 2021-42 AUTHORIZING THE CITY MANAGER TO SUBMIT A NATUREWORKS GRANT APPLICATION TO THE OHIO DEPARTMENT OF NATURAL RESOURCES ON BEHALF OF THE CITY OF FRANKLIN (Barry Conway)



🏠 **Location:** 1 Benjamin Franklin Way
📅 **Date:** Monday, May 17, 2021
🕒 **Time:** 6:00 PM

9. **Introduction of New Legislation.**
 - A. None.
10. **City Manager's Report.**
11. **Council Comments.**
12. **Executive Session.** To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official.
13. **Adjournment.**



Legislative Cover Memo

Introduction: May 3, 2021
Public Hearing: May 17, 2021
Effective Date: June 16, 2021

Agenda Item: **Ordinance 2021-07**
DETERMINING TO PROCEED WITH THE IMPROVEMENT OF CITY STREETS AND PUBLIC WAYS BY THE LIGHTING THEREOF FOR THE YEAR 2022

Submitted by: Khristi Dunn, Clerk of Council

Scope/Description: This is the second of three steps Council must act upon to implement the annual street lighting assessments for 2022.

Budget Impact: \$170,000 is the total projected cost for lighting of the streets, lanes and public ways for 2022. The City funds 2% of the total, or \$3,400 and the Property Owner's share is \$166,600.

Exhibits: None.

Recommendation: Approval.

CITY OF FRANKLIN, OHIO
ORDINANCE 2021-07

DETERMINING TO PROCEED WITH THE IMPROVEMENT OF CITY STREETS AND PUBLIC WAYS BY THE LIGHTING THEREOF FOR THE YEAR 2022

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 2022, by Resolution 2021-27, on April 5, 2021, 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 2021-27, has filed with the Clerk of Council on April 6, 2021 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 2022, said lighting to be provided by electrical lighting, in accordance with the provisions of Resolution 2021-27 passed by this body on April 5, 2021.

Section 2. The estimated special assessments, prepared and filed in accordance with Resolution 2021-27, 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 16, 2021.

INTRODUCED: May 3, 2021

ADOPTED: May 17, 2021

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
Brent W. Centers, Mayor

Approved as to legal form:

Lynnette Dinkler, Law Director



Legislative Cover Memo

Introduction: May 3, 2021
Public Hearing: May 17, 2021
Effective Date: June 16, 2021

Agenda Item: **Ordinance 2021-08**
ESTABLISHING A 180 DAY MORATORIUM ON THE ESTABLISHMENT OR COMMENCEMENT OF MEDICAL MARIJUANA CULTIVATORS, PROCESSORS AND/OR RETAIL DISPENSARIES WITHIN THE CITY OF FRANKLIN

Submitted by: Lynnette Dinkler, Director of Law

Scope/Description: This Ordinance places a 180-day moratorium upon the establishment or commencement of medical marijuana cultivators, processors and or retail dispensaries to allow the City to research and receive input from key city officials (newly appointed and to be appointed) on how to best serve its citizens, including the most vulnerable drug afflicted citizens, within the framework of House Bill 523, which made medical marijuana operations/use legal in Ohio.

House Bill 523 took effect on September 8, 2016. The bill established a Medical Marijuana Control Program, to be administered by the Ohio Department of Commerce and the State Board of Pharmacy. The Ohio Medical Marijuana Control Program became operational on September 8, 2018. This relatively new law and its regulatory scheme provides City Council with the authority to adopt regulations to prohibit or limit the number of retail dispensaries, and the location of cultivators, processors and dispensaries through zoning regulations. At this time, the City is undertaking a study to address blight issues within the City. The City is situated within a High Intensity Drug Trafficking Area, as identified by the United States Drug Enforcement Administration. The City has been hard hit by the opioid epidemic, leaving many of its citizens struggling with the life-long effects of drug addiction. The City's Police and Fire Divisions continue to identify ways to address the City's otherwise challenging drug related criminal activity and the City also partners with the Warren County Drug Task Force to fight the war on drugs. The City and its Municipal Court are proactively, with success, addressing, respectively, these important and sensitive issues with its Hope Program and intensive supervised probation program, to bring sobriety and stability to one person and his/her family at a time. At the beginning of this year, Mr. Westendorf was appointed City Manager, leaving the Fire Chief position vacant. While Fire Chief, Mr. Westendorf was responsible for the creation and implementation of the Hope Program, a program which has received national attention. Chief Whitman retired shortly after Mr. Westendorf was appointed City Manager, leaving the Chief of Police position vacant. Both Chief vacancies are in the process of being filled. The City is in need of input from the recently appointed and to be appointed leadership, as well as the findings from the blight engineering study, before all issues associated with what is in the City's best interest vis-a-vis the medical marijuana industry given the unique needs and challenges present within the City related to drug activity and addiction.

No retail dispensaries, cultivators, or processors are operating or have applied to operate within the City.

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

CITY OF FRANKLIN, OHIO
ORDINANCE 2021-08

**ESTABLISHING A 180 DAY MORATORIUM ON THE ESTABLISHMENT OR COMMENCEMENT OF
MEDICAL MARIJUANA CULTIVATORS, PROCESSORS AND/OR RETAIL DISPENSARIES WITHIN THE CITY
OF FRANKLIN**

WHEREAS, the Ohio General Assembly, by the passage of House Bill 523, has made medical marijuana legal in the State of Ohio;

WHEREAS, House Bill 523 establishes a Medical Marijuana Control Program, to be administered by the Ohio Department of Commerce and the State Board of Pharmacy, which agencies had to September 8, 2017, to issue any rules or guidelines on the Program; and

WHEREAS, the Ohio Medical Marijuana Control Program became operational on September 8, 2018; and

WHEREAS, this relatively new law and its regulatory scheme provides City Council with the authority to adopt regulations to prohibit or limit the number of retail dispensaries, and the location of cultivators, processors and dispensaries through zoning regulations; and

WHEREAS, at present, the City is undertaking a study to address blight issues within the City; and

WHEREAS, at present the City Manager is recently appointed and the positions of Chief of the Fire Division and Police Division are vacant, to be appointed with the hiring process underway; and

WHEREAS, the City has been and remains situated within a High Intensity Drug Trafficking Area, as identified by the United States Drug Enforcement Administration; and

WHEREAS, the City has been hard hit by the opioid epidemic, leaving many of its citizens and their families struggling with the life-long effects of drug addiction; and

WHEREAS, the City's Police and Fire Divisions continue to identify ways to address the City's otherwise challenging drug related criminal activity and the City also partners with the Warren County Drug Task Force to fight the war on drugs; and

WHEREAS, the City's nationally recognized Hope Program is assisting its citizens, one life and one family at a time, to break the cycle of addiction; and

WHEREAS, the City's Municipal Court, through its intensive supervised probation program, is successfully graduating participants who are recovering from addiction and returning to the work force, attaining sobriety and stability; and

WHEREAS, no retail dispensaries, cultivators, or processors are operating or have applied to operate within the City; and

WHEREAS, the City is in need of a moratorium at this time to receive completed study data, to receive input from leadership recently appointed and to be appointed, and to thoughtfully determine how the Program's rules and guidelines impact the City's current illegal drug related activity and associated challenges to determine the impact these types of medical marijuana businesses could have on the City and its vulnerable population and desires to maintain the status quo while doing so; and

WHEREAS, this Council finds it to be in the best interest of the health, safety, and general welfare of the citizens of Franklin to adopt a 180 day moratorium on the establishment or commencement of medical marijuana cultivators, processors and/or retail dispensaries within the City of Franklin;

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

Section 1. In addition to the foregoing “Whereas” clauses, which are hereby ratified and incorporated as the legislative intent of this Ordinance, it is further the legislative intent of this Ordinance to establish a 180 day moratorium on the establishment or commencement of medical marijuana cultivators, processors and/or retail establishments within the City of Franklin. The purpose of this moratorium is to maintain the status quo while the City studies, conducts research, and receives input from newly appointed and to be appointed key leadership officials on the matter to determine what is in the City’s best interest and whether regulations are needed to regulate these types of uses for the purpose of protecting neighborhoods from negative secondary effects that may be created by such uses.

Section 2. For the purposes of this Ordinance, the following definitions shall apply:

(a) *Marijuana.* Marijuana shall mean “marihuana” as defined in ORC 3719.01.

(b) *Medical Marijuana.* Medical Marijuana shall mean marijuana that is cultivated, processed, dispensed, tested, possessed or used for a medical purpose.

(c) *Cultivator.* Cultivator means the holder of a current, valid, state-issued cultivator license who cultivates medical marijuana and/or delivers or sells medical marijuana to a licensed processor. (ORC 3796.18)

(d) *Processor.* Processor means the holder of a current, valid, state-issued processor license who obtains medical marijuana from one or more licensed cultivators for processing and/or delivers or sells processed medical marijuana to one or more licensed retail dispensaries. (ORC 3796.19)

(e) *Retail Dispensaries.* A Retail Dispensary means the holder of a current, valid, state-issued retail dispensary license who obtains medical marijuana from one or more processors and/or dispenses or sells medical marijuana in accordance with Ohio law. (ORC 3796.20)

Section 3. During the time of the moratorium imposed by this Ordinance no medical marijuana cultivators, processors and/or retail dispensaries shall be established or commence operations within the City of Franklin, nor shall any permits or approvals be issued by the Zoning and Building Division for such uses or for any similar uses during the time of the moratorium imposed by the Ordinance.

Section 4. A moratorium is hereby imposed upon the establishment or commencement of medical marijuana cultivators, processors and/or retail dispensaries or similar uses within the City of Franklin for a period of 180 days, ending December 13, 2021, unless ended earlier by action of the City Council. Said moratorium may also be reasonably extended by City Council, if necessary, by ordinance.

Section 5. Upon the conclusion of the blight study and after the appointment of the Chief of Fire and Police Divisions are made and after such time those new employees begin work for the City of Franklin, City Leadership is directed to research and study these types of uses and to recommend to Planning Commission and/or to this Council, as soon as is practicable, the extent and manner by which this Council should regulate these types of uses.

Section 6. 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 7. This Ordinance shall go into effect June 16, 2021

INTRODUCED: May 3, 2021

ADOPTED: May 17, 2021

ATTEST: _____

Khristi Dunn, Clerk of Council

APPROVED: _____

Brent Centers, Mayor

Approved as to form: _____,

Lynnette Dinkler, Law Director



Legislative Cover Memo

Meeting Date: May 17, 2021

Agenda Item: **Resolution 2021-40**
APPOINTING MEMBERS TO THE CITY OF FRANKLIN
CHARTER REVIEW COMMISSION

Submitted by: Brent Centers, Mayor

Scope/Description: Section 7.04 of the City's Charter requires Council to appoint a Charter Review Committee at least every five years (The last Committee was appointed in 2016). The purpose of the Committee is to recommend to Council any changes to the Charter it deems advisable. The Committee will have until April 30, 2022 to submit any such proposed changes to Council. This deadline will give Council the necessary time to review the proposed amendments, if any, before deciding whether to place them on the November 2022 ballot.

Budget Impact: None.

Exhibits: None.

Recommendation: Approval.

CITY OF FRANKLIN, OHIO
RESOLUTION 2021-40

APPOINTING MEMBERS TO THE CITY OF FRANKLIN CHARTER REVIEW COMMISSION

WHEREAS, Section 7.04 of the Charter of the City of Franklin requires this Council to appoint, at least every 5 years, a Charter Review Commission consisting of 5 members to review the Charter of the City and to recommend to Council alterations, revisions and amendments, if any, to the Charter as in the Commission's judgment are advisable;

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

Section 1. The following persons are hereby appointed to the City of Franklin Charter Review Commission:

Sonny Lewis	David Hopper
Rodney Roberts	Dionne Swift
Mikayla McClanahan	Terasa Crocker

Section 2. The Charter Review Commission shall recommend to the City Council alterations, revisions, and amendments, if any, to the Charter as in its judgment are advisable, by no later than April 30, 2022.

Section 3. 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 3. This Resolution shall become effective immediately upon its passage.

ADOPTED: May 17, 2021

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of a resolution passed by that body on May 17, 2021

Khristi Dunn, Clerk of Council



Legislative Cover Memo

Meeting Date: May 17, 2021

Agenda Item: **Resolution 2021-41**
AWARDING THE BID AND AUTHORIZING EXECUTION OF THE CONTRACT WITH BARRETT PAVING MATERIALS, INC. FOR THE 2021 MUNICIPAL PAVING PROJECT

Submitted by: Barry Conway, City Engineer

Scope/Description: The Engineer's estimated cost for this Project was \$475,000, which will include:

- Cedar St. from Park Ave. to Spring Ave.
- Chestnut St. from Park Ave. to north terminus
- Elm St. from Park Ave. to Lake Ave.
- Fourth St. from Riley Blvd. to Sunnybrook Dr.
- Home Ave. from Pine St. to Maple Ave.
- Lake Ave. from the Levee to Walnut St.
- Maple St. from Park Ave. to Home Ave.
- Pine St. from Park Ave. to Home Ave.
- Wilson Dr. from S. Dixie to North Terminus

On May 12, 2021, the City opened bids for this project, which were as follows:

Bidder	Total Bid
Barrett Paving Materials, Inc.	\$463,996.95
Fillmore Construction	\$471,972.25
JK Meurer Corporation	\$534,304.85
John R. Jurgensen Co.	\$469,524.85

Budget Impact: The City budgeted the cost of this Project in the Street and Stormwater Funds.

Exhibits: N/A

Recommendation: Staff recommends that we accept the bid in the amount of \$463,996.95 from Barrett Paving Materials, Inc. as the lowest and best bid

CITY OF FRANKLIN, OHIO
RESOLUTION 2021-41

**AWARDING THE BID AND AUTHORIZING EXECUTION OF THE CONTRACT WITH BARRETT
PAVING MATERIALS, INC. FOR THE 2021 MUNICIPAL PAVING PROJECT**

WHEREAS, bids for the 2021 Municipal Paving Project were opened on May 12, 2021, in accordance with the Notice to Bidders;

WHEREAS, it is determined by Council that the bid from Barrett Paving Materials, Inc. is the lowest and best; and

WHEREAS, this Council, by Ordinance 2021-02 has authorized the expenditure of funds for said contract through the appropriation of funds in the City's operating budget,

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 Bid for the 2021 Municipal Paving Project is hereby awarded to Barrett Paving Materials, Inc., 3751 Commerce Drive, Franklin, Ohio 45005, in the total bid amount of \$463,996.95, all in accordance with the Notice to Bidders, Instructions to Bidders, General Conditions, Specifications, Plans, and other documents contained in the bid packet.

Section 2. The City Manager is hereby directed and authorized to execute a contract and any other necessary documents with Barrett Paving Materials, Inc. for the 2021 Municipal Paving Project, in accordance with Notice to Bidders, Instructions to Bidders, General Conditions, Specifications, Plans, and other documents contained in the bid packet upon which the bid was received. The costs of the contract shall be paid out of the funds appropriated for it in the City's operating budget.

Section 3. It is hereby 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 4. This Resolution shall become effective immediately upon its passage.

ADOPTED: May 17, 2021

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of a resolution passed by that body on May 17, 2021.

Khristi Dunn, Clerk of Council

Legislative Cover Memo

Meeting Date: May 17, 2021

Agenda Item: **Resolution 2021-42**
AUTHORIZING THE CITY MANAGER TO SUBMIT A NATUREWORKS GRANT APPLICATION TO THE OHIO DEPARTMENT OF NATURAL RESOURCES ON BEHALF OF THE CITY OF FRANKLIN

Submitted by: Barry Conway, City Engineer

Scope/Description: This Resolution authorizes the City Manager to apply for a NatureWorks Grant to install new equipment at the baseball and soccer restrooms at Community Park. This work would include new toilets, sinks, urinals, flooring, surrounds, auto locking doors, a garage door and plumbing. The basketball courts at Community Park would also be repainted. Two automatic vehicle gates will be installed for security.

Budget Impact: The cost of this project is currently estimated at \$70,000, and the City's share would be \$17,500. If the City's application for the grant is approved, the NatureWorks Grant Program is a reimbursement-type program, so the City would have to pay the entire project cost upfront, and the City would then be reimbursed \$52,500 under the Grant Program. The costs for this Project would be paid out of the Recreation Fund.

Exhibits: N/A

Recommendation: Staff recommends the City apply for this grant.

CITY OF FRANKLIN, OHIO
RESOLUTION 2021-42

AUTHORIZING THE CITY MANAGER TO SUBMIT A NATUREWORKS GRANT APPLICATION TO THE OHIO DEPARTMENT OF NATURAL RESOURCES ON BEHALF OF THE CITY OF FRANKLIN

WHEREAS, the State of Ohio, through the Ohio Department of Natural Resources, administers financial assistance for public recreation purposes through the State of Ohio NatureWorks Grant Program; and

WHEREAS, the City of Franklin desires financial assistance under the NatureWorks Grant Program to install a numerous improvements at the City of Franklin Community Park;

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

Section 1. The City Manager is hereby authorized to execute and submit, on behalf of the City of Franklin, a NatureWorks Grant application with the Ohio Department of Natural Resources for financial assistance to install new toilets, sinks, urinals, flooring, surrounds, auto locking doors, a garage door and plumbing at the baseball and soccer restrooms; repaint the basketball courts; and install two automatic vehicular gates for security all at the City of Franklin Community Park, and to provide all information and documentation required to become eligible for possible financial assistance.

Section 2. This Council does hereby agree to obligate any funds necessary to satisfactorily complete the proposed project and become eligible for reimbursement under the terms of the NatureWorks Grant Program, if the City's application for financial assistance is approved.

Section 3. 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 4. This Resolution shall become effective immediately upon its passage.

ADOPTED: May 17, 2021

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of a resolution passed by that body on May 17, 2021.

Khristi Dunn, Clerk of Council