



🏠 Location: 1 Benjamin Franklin Way
📅 Date: Monday, August 2, 2021
🕒 Time: 6:00 PM

CITY COUNCIL 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 July 19, 2021 Meeting.
5. Presentations.
6. Reception of Visitors.
7. Public Hearing.
 - A. ORDINANCE 2021-18– LEVYING ASSESSMENTS FOR THE IMPROVEMENT OF CITY STREETS AND PUBLIC WAYS BY THE LIGHTING THEREOF FOR THE YEAR 2022 (Khristi Dunn)

 - B. ORDINANCE 2021-19 – AN ORDINANCE CONSIDERING THE RECOMMENDATION OF PLANNING COMMISSION WITH RESPECT TO AN APPLICATION TO REZONE APPROXIMATELY 2.2 ACRES, LOCATED ON THREE PARCELS AT 126 AND 216 EAST FOURTH STREET AND PART OF TOWER LANE FROM R-4, MULTI-FAMILY RESIDENTIAL DISTRICT, TO O-I, OFFICE AND INSTITUTIONAL DISTRICT (Barry Conway)
 - a. Exhibit A
 - b. Exhibit B
8. New Business.
 - A. RESOLUTION-21-53 AWARDING THE BID AND AUTHORIZING EXECUTION OF THE CONTRACT WITH KELCHNER INC. FOR THE 2021 DIAL PARK PHASE 1 IMPROVEMENT PROJECT (Barry Conway)

 - B. RESOLUTION 2021-54 APPOINTING PUBLIC RECORDS DESIGNEE (Ben Yoder)

C. RESOLUTION 2021-55 AUTHORIZING THE PURCHASE OF DE-ICING SALT FROM THE CARGIL INC DEICING TECHNOLOGY BUSINESS UNIT, THROUGH THE WARREN COUNTY ENGINEER'S JOINT SALT PURCHASING PROGRAM (Steve Inman)

D. RESOLUTION 2021-56 AMENDING THE POSITION DESCRIPTION FOR PROPERTY ROOM AND EVIDENCE MANAGER AND UTILITY BILLING ADMINISTRATOR (Jonathan Westendorf)

- a. Exhibit A
- b. Exhibit B

E. RESOLUTION 2021-57 PROVIDING INTENT OF CITY COUNCIL UNDER CHARTER SECTION 3.03(i) TO DISPENSE WITH COMPETITIVE PUBLIC BIDDING REGARDING THE SALE OF REAL PROPERTY AND DIRECTING AND AUTHORIZING COMPLIANCE WITH CHARTER SECTION 3.03(i) (Jonathan Westendorf)

- a. Exhibit A

9. Introduction of New Legislation.

A. O-21-20 – AMENDING SECTION 923.03 STORMWATER USER FEE, SECTION 923.04 SCHEDULE OF RATES, SECTION 923.05 SURCHARGE FOR CURB AND GUTTERS AND “APPENDIX A” OF CHAPTER 1701 OF THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO, CAPTIONED “RATES AND FEES” TO INCLUDE FEES UNDER PART NINE, TITLE THREE OF THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO, CAPTIONED “UTILITIES” AND INCLUDES AN ADMINISTRATION FEE FOR SOLID WASTE, RECYCLING AND YARD WASTE COLLECTION. (Barry Conway)

- a. Exhibit A
- b. Exhibit B

B. O-21-21 AMENDING SECTION 143.02 OF THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO, CAPTIONED “UTILITY BILLING ADMINISTRATOR” TO ESTABLISH THE UTILITY BILLING ADMINISTRATOR IS IN THE UNCLASSIFIED SERVICE IN ACCORDANCE WITH SECTION 8.02 OF THE CITY CHARTER (Jonathan Westendorf)

- a. Exhibit A

C. ORDINANCE 2021-22 - AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT OF PURCHASE AND SALE OF REAL PROPERTY AND OTHER DOCUMENTS FOR THE SALE OF REAL PROPERTY LOCATED AT 126 EAST FOURTH STREET, FRANKLIN, OHIO; PARCEL ID: 0431205001 AND DECLARING AN EMERGENCY

a. Exhibit A

10. **City Manager's Report.**

11. **Council Comments.**

12. **Executive Session.** To consider the appointment, employment, or compensation of a public employee or official pursuant to ORC 121.22 (G)(1) and to consider the purchase of property for public purposes pursuant to ORC 121.22 (G)(2).

13. **Adjournment.**



🏠 Location: 1 Benjamin Franklin Way
📅 Date: Monday, July 19, 2021
🕒 Time: 6:00 PM

CITY COUNCIL 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
Ben Yoder, 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, July 19, 2021, 6:00 PM in the Council Chambers located at 1 Benjamin Franklin Way, Franklin, Ohio 45005.

1. **Call to Order.** Mayor Brent Centers called the regularly scheduled meeting of the Franklin City Council on Monday, July 19, 2021 to order at 6:00 PM.

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

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

Mr. Wilcher was excused for a planned vacation but joined remotely to listen and give comment. Mr. Wilcher did not vote during this meeting. Mr. Conway, Ms. Dunn, Mr. Inman, Lt. Pacifico, Ms. Ryan, Ms. Steed, Mr. Westendorf and Mr. Yoder were also present. There were six guests and one member of the press in attendance.

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

4. **Approve the Clerk's Journal and Accept the Tapes as the Official Minutes of the June 21, 2021 Meeting.** The Mayor 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 June 21, 2021, general meeting; seconded by Mr. Aldridge. The vote:

MR. MATT WILCHER	absent
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.

5. **Presentation.**

A. Proposed Roundabout on SR-123.

Jay Korros of CT Consultants gave a presentation regarding the proposed roundabout on SR-123. The possibility of a roundabout arose after the passage of the school bond issue, placing the student entrance to a new high school across from the entrance to Community Park. Mr. Korros highlighted the safety aspects of a roundabout for both traffic and pedestrians. He also showed models that indicate an improved flow of traffic versus a traditional signalized intersection. It is suggested that Rapid Rectangular Flashing Beacons (RRFB) are used to increase pedestrian safety during crossing. Intersections of Anderson, Sunnybrook and Riley will be tied together to keep the flow of traffic moving.

There was continued discussion about the design and increased safety precautions needed for this specific intersection. The speed limit on SR-123 is 35 mph. According to the traffic studies, drivers consistently drive 45+ mph on this road. The roundabout is a natural traffic calming and slowing device which, with the additional assistance of the RRFBs, will increase pedestrian safety. There was also discussion about adding rumble strips if needed.

Mr. Rodney Roberts spoke on behalf of Franklin City Schools. He reported that the traffic study conducted by the School's engineers suggested a roundabout was the best option and that they are committed to sharing \$325,000 of the cost. The City would spend approximately \$500,000. The remainder of the cost would come from grants.

After the recommendation from the traffic engineer and collaboration with the schools, Council gave staff the direction to move forward with the roundabout.

Council entered into a recess at 7:02 PM and exited out of recess of 7:09 PM.

6. Reception of Visitors. The Mayor opened the Reception of Visitors at 7:09 PM. Mr. Lloyd Cope of 27 Moore Drive, Franklin asked to be heard. Mr. Cope owns a rental property behind the American Legion. The proposed zoning change in Ordinance 2021-19 caused concern as the shaded area covered the driveway of his rental property. The Mayor assured Mr. Cope that the zoning change would not affect his parcel of property or driveway. Mr. Conway confirmed. Mr. Cope said this was the first time he had attended a meeting in his 50 years of residency and said it was an enjoyable experience.

The Mayor closed the floor at 7:11 PM.

7. **Public Hearing.**

A. ORDINANCE 2021-15 – AUTHORIZING THE ESTABLISHMENT OF THE “CREDIT MEMO CLEARING FUND” FOR THE PURPOSE OF HOLDING OVERPAYMENT OF UTILITY BILLS AND APPLYING THOSE CREDITS BACK TO THE CUSTOMERS IN COMPLIANCE WITH THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO

This proprietary fund is necessary to separately account for enterprise money with the implementation of the new utility billing software to maintain the financial integrity of the various funds when utility customers overpays their utility account.

The Mayor opened and closed the Public Hearing at 7:12 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 2021-15** as submitted; seconded by Mr. Aldridge. 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	absent

Motion passed.

B. ORDINANCE 2021-16 – AMENDING “APPENDIX A” OF CHAPTER 1701 OF THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO, CAPTIONED “RATES AND FEES” TO INCLUDE FEES UNDER PART THIRTEEN, TITLE SEVEN OF THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO, CAPTIONED “PROPERTY MAINTENANCE CODE”

This Ordinance provides those fees arising under the Property Maintenance Code, and includes newly added fees associated with the newly adopted Pre-Sale Inspection and Certificate of Occupancy Program.

The Mayor opened the Public Hearing at 7:13 PM and closed it at 7:14 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. Mr. D. Centers made the motion to adopt **ORDINANCE 2021-16** as submitted; seconded by Vice Mayor Hall. 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	absent
MR. DENNY CENTERS	yes

Motion passed.

C. ORDINANCE 2021-17 AMENDING ORDINANCE 2021-14 TO PROVIDE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF FRANKLIN, OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2021, AND DECLARING AN EMERGENCY (Cindy Ryan)

This ordinance will adjust appropriations to the Stormwater Utility Fund to reclass \$17,000 from Other Financing Uses to Stormwater Utility to account for the replacement of 200 feet of pipe in Franklin Landing. This results in a net zero change in total appropriations for the year.

The Mayor opened and closed the Public Hearing at 7:15 PM as none asked to be heard.

The Mayor opened the floor for Council deliberation. He asked if there were any questions or comments. Mrs. Fouts commented that the Public Works Department did an excellent job on this project and completed it in a timely manner. The Mayor asked if a reappropriation would be needed at the end of the year to clean up the fund. Ms. Ryan replied that a reappropriation would not be needed. With no other comments, the Mayor called for a motion. Mr. Ruppert made the motion to adopt **ORDINANCE 2021-17** 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	absent
MR. DENNY CENTERS	yes
MR. PAUL RUPPERT	yes

Motion passed.

8. New Business.

A. RESOLUTION 2021-51 AMENDING THE POSITION DESCRIPTION FOR PROPERTY ROOM AND EVIDENCE MANAGER AND HUMAN RESOURCES SPECIALIST.

To accurately represent the requirements and duties, Property Room and Evidence Manger Job Description needs to be updated to remove the incorrect required OPOTA certificate, passage of civil service exam, and removes other duties that will not be performed. The Human Resources Specialist position will not require certification as a Human Resources Professional.

The Mayor asked for clarification on removing the OPOTA certificate requirement for the Property Room and Evidence Manger. Lt. Pacifico clarified that the FLEA contract does not allow for part-time officers and that the position would be working in the room, but not in charge of the property and evidence. The Property Room and Evidence Manger would report to the detective on duty. This person will also be subject to passing a background and drug screening.

This position will allow Detective Figliola to focus all his attention on his detective duties. The Mayor thanked Lt. Pacifico for his response.

The Mayor asked if there were any other comments or questions. Hearing none, he called for a motion. Vice Mayor Hall made the motion to adopt **RESOLUTION 2021-51**; seconded by Mr. Aldridge. The vote:

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

Motion passed.

B. RESOLUTION 2021-52 - APPROVING A TAX EXEMPTION IN COMMUNITY REINVESTMENT AREA #1 FOR THE PROPERTY LOCATED AT 675 EAST SECOND STREET (DOMINO'S PIZZA)

Issuing a CRA (Community Reinvestment Act) to Louis & Karen Metro Family, LLC located at 675 East Second Street, Franklin, Ohio 45005 for the demolition and new construction of a Domino's Pizza. Louis & Karen Metro Family, LLC will construct a 2,000 square foot Domino's Pizza with an indoor seating area as well as a drive thru. The total cost of the new structure is estimated at \$817,675.

They are requesting a CRA exemption in Community Reinvestment Area #1 for 10 years at 100% of value of the new construction. The number of jobs created will be six full-time and twenty-two part-time positions.

Staff recommends approval for 8 years at 100% of value of the new construction.

The Mayor asked if there were any questions or discussion. The Mayor called for a motion. Mr. D. Centers made the motion to adopt **RESOLUTION 2021-52** as submitted; seconded by Mr. Ruppert. The vote:

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

Motion passed.

9. Introduction of New Legislation.

A. ORDINANCE 2021-18– LEVYING ASSESSMENTS FOR THE IMPROVEMENT OF CITY STREETS AND PUBLIC WAYS BY THE LIGHTING THEREOF FOR THE YEAR 2022

B. ORDINANCE 2021-19 – AN ORDINANCE CONSIDERING THE RECOMMENDATION OF PLANNING COMMISSION WITH RESPECT TO AN APPLICATION TO REZONE APPROXIMATELY 2.2 ACRES, LOCATED ON THREE PARCELS AT 126 AND 216 EAST FOURTH STREET AND PART OF TOWER LANE FROM R-4, MULTI-FAMILY RESIDENTIAL DISTRICT, TO O-I, OFFICE AND INSTITUTIONAL DISTRICT

10. City Manager's Report. Mr. Westendorf thanked Council for the great dialogue and decision to move forward with the roundabout. He suggested the executive session be cancelled that evening.

He reported that a Hospice Nurse he knows chose to write a grant for the HOPE Team, which was awarded through Hospice of Dayton in the amount of \$250. The check was mistakenly sent to Franklin County, so Hospice of Dayton issued another check to the City of Franklin, essentially funding two programs from the one grant. HOPE also received a grant in the amount of \$30,000 through Interact for Health which is being administered through Warren and Clinton Counties Mental Health Rehabilitation.

The City Retirement Celebration for Scott Brown, Ross Coulton, Kathy Dye, Tim Haney, Sonny Lewis, Gerry Massey, Jane McGee, Amy Miller, Cindy Threnhauser and Russ Whitman will be held on Friday, July 23 at 9:00 AM. The City Building will be closed from 9:00 AM – 11:00 AM.

National Night Out is scheduled for Tuesday, August 3, 2021 from 5:30 PM – 8:30 PM. Downtown Saturday Nite is scheduled for Saturday, August 14.

The property appraisal for the purchase agreement with Talbert House has been done and the proposed zoning change has been introduced. This should be presented at the next Council meeting.

There were two parcels appraised off Locust Street. These will be shared with the interested buyer and more information will be forthcoming.

The Flock contracts should be signed soon with a launch date at the end of August.

The Duke street light improvement program with LED updates is about 40% complete.

Steve Montgomery has been appointed as Lead Parks Worker. The HR Specialist position has had a great response with almost 200 applicants.

11. Council Comments.

Mr. Wilcher was absent.

Mrs. Fouts asked for lighting to be considered on the Franklin side of the new bridge. She also suggested that the City work with Carlisle to clean up the bridge and possibly light it similar to the lighting on the Lions Bridge.

There was an accident on Union and Manchester over the past week. Someone suggested a roundabout at this location. She asked if the City owned any of the right of way on Union.

She complimented Mr. Inman on the work that was done in Franklin Landing with the replacement of the stormwater line.

The new homes at the top of the Franklin Landing subdivision have caused issues with water and mud draining into the pond at Franklin Landing. Mr. Conway gave an update from the homeowner who is working to get the issue under control, but the heavy rains have delayed his work. Mrs. Fouts also reported that a “mother-in-law suite” was added to this property and it appears from the outside as a duplex versus a single-family dwelling.

Mr. Aldridge congratulated Mr. Westendorf as being recognized as Citizen of the Year by the Chamber. He appreciated Mr. Roberts being at the meeting and believes the relationship with the School system is better than it’s ever been. He appreciates their partnership.

Mr. D. Centers asked if the mural would be replaced once the building is repaired at 6th and Main Street. Mr. Westendorf confirmed that a new mural design would be presented and replaced. The artist is

booked through 2021. The work should be done in 2022. The cost of the mural replacement has been submitted to the insurance companies involved.

Mr. D. Centers also asked about the mural on 3rd Street as he says it is unfinished. There is a Texaco sign that should be attached with people painted in the dining car. Mr. Westendorf will follow up with the artist.

Mr. D. Centers asked about the demolition of a recently acquired property on Riley Blvd. Mr. Westendorf said that the Fire Department would like to use this as a training burn property. Demolition would occur after and should be in a few weeks.

Mr. Ruppert apologized that he will be unable to attend the retirement celebration on July 23.

He brought up an email from a resident on Cedar Street with complaints about a property with excess junk. Mr. Westendorf said that the property had been cleaned up and is disappointed that it's returned to its previous state. He will be working with Mr. Lovelace on this property again. If they do not comply, they will be fined and taken to court.

Mr. D. Centers said that an alley on that side of town is blocked with trees and limbs. Mr. Westendorf said that it would be taken care of.

Vice Mayor Hall asked when the disc golf course would be installed in the park. Mr. Inman said they are waiting on the results of a grant that will be awarded in October.

The Mayor appreciated the conversation and input of Council regarding the roundabout. He thanked Mr. Wilcher for taking the time to join virtually while on vacation with his family to discuss this important topic.

He congratulated Mr. Westendorf on Citizen of the Year, said the Independence Day parade went well, welcomed Mr. Yoder and said that the park and city are looking great.

12. Adjournment. The Mayor called for a motion to adjourn the meeting. Vice Mayor Hall made the motion; seconded by Mr. D. Centers. The vote:

MRS. DEBBIE FOUTS	yes
MR. MATT WILCHER	absent
MR. DENNY CENTERS	yes
MR. PAUL RUPPERT	yes



🏠 **Location:** 1 Benjamin Franklin Way
📅 **Date:** Monday, July 19, 2021
🕒 **Time:** 6:00 PM

VICE MAYOR TODD HALL	yes
MAYOR BRENT CENTERS	yes
MR. MICHAEL ALDRIDGE	yes

Motion passed.

The Mayor adjourned the meeting at 7:55 PM.

Brent Centers, Mayor

Khristi Dunn, Clerk of Council

Legislative Cover Memo

Introduction: July 19, 2021
Public Hearing: August 2, 2021
Effective Date: September 1, 2021

Agenda Item: **Ordinance 2021-18**
LEVYING ASSESSMENTS FOR 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 last step Council must act upon to implement the annual street lighting assessments for 2021.

Budgetary Impact: \$170,000 is the total project cost for 2022. The City funds 2% of the total, or \$3,400.

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 2021-18

**LEVYING ASSESSMENTS FOR THE IMPROVEMENT OF CITY STREETS AND PUBLIC WAYS BY THE LIGHTING
THEREOF FOR THE YEAR 2021**

WHEREAS, this Council, on April 5, 2021, duly adopted Resolution 2021-27, declaring the necessity of improving City streets and public ways within the corporate limits of the City by the lighting thereof, said lighting to be provided by electrical lighting, for the year 2022;

WHEREAS, this Council by Ordinance 2021-07, adopted on May 3, 2021, determined to proceed with said improvement;

WHEREAS, the actual cost of the improvement has been ascertained and the amount of the special assessments have been increased or decreased in the same proportion to the estimated assessments as the actual cost of the improvements bears to the estimated cost of the improvement upon which the estimated assessments were based; and

WHEREAS, Ohio Revised Code Section 727.25 requires this Council, after the actual cost of improvement has been ascertained, to assess by Ordinance, upon the lots and lands enumerated in the estimated assessment, that portion of the total costs of the improvement to be paid for by special assessments,

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

Section 1. The adjusted assessment of the cost of improving City streets and public ways by the lighting thereof, said lighting to be provided by electrical lighting, in the City of Franklin, Ohio, for the year 2022, as reported to this Council and filed in the office of the Clerk of Council, and aggregating One Hundred Seventy Thousand Dollars and No Cents (\$170,000.00), is adopted and affirmed. The City shall pay two percent (2%) of the cost of the improvement.

Section 2. There are hereby levied and assessed upon all lots and lands lying within the corporate limits of the City of Franklin, Ohio the several amounts reported in the adjusted assessments, which assessments are in proportion to the tax value thereof. The assessments do not exceed any statutory limitations.

Section 3. The portion of the cost of the improvement to be assessed against benefited property, in the amount of One Hundred Sixty-Six Thousand Six Hundred Dollars and No Cents (\$166,600.00), shall be assessed in the amount, manner and number of installments provided in Resolution 2021-27, adopted on April 5, 2021, which declared the necessity of the improvement.

Section 4. The adjusted assessments are in the same proportion to the estimated assessments as the actual cost of the improvement bears to the estimated cost upon which such estimated assessments were based.

Section 5. The total assessment against each lot and parcel of land shall be payable, in cash, to the Finance Director of the City of Franklin within thirty (30) days after passage of this Ordinance or, at the option of the property owner assessed, in two (2) semi-annual installments. All assessments which have not been paid at the expiration of the thirty (30) day period shall be certified by the Finance

Director to the County Auditor, to be placed on the tax duplicate and collected in the same as other taxes are collected, as provided by law.

Section 6. The Clerk of Council is directed to cause notice of the passage of this Ordinance to be published once in a newspaper of general circulation in the City, as required by law.

Section 7. The Finance Director is authorized and directed to keep the adjusted assessments on file in her office for as long as any of them remain unpaid.

Section 8. The Finance Director is directed to cause notice of the levy of the assessments herein to be filed with the County Auditor within thirty (30) days after the passage of this Ordinance.

Section 9. 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 10. This Ordinance shall go into effect September 1, 2021.

INTRODUCED: July 19, 2021

ADOPTED: August 2, 2021

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
Brent Centers, Mayor

Approved as to form: _____,
Ben Yoder, Law Director

Legislative Cover Memo

Introduction: July 19, 2021
Public Hearing: August 2, 2021
Effective Date: September 1, 2021

Agenda Item: **Ordinance 2021-19**
AN ORDINANCE CONSIDERING THE RECOMMENDATION OF PLANNING COMMISSION WITH RESPECT TO AN APPLICATION TO REZONE APPROXIMATELY 2.2 ACRES, LOCATED ON THREE PARCELS AT 126 AND 216 EAST FOURTH STREET AND PART OF TOWER LANE FROM R-4, MULTI-FAMILY RESIDENTIAL DISTRICT, TO O-I, OFFICE AND INSTITUTIONAL DISTRICT.

Submitted by: Barry Conway, City Engineer

Scope/Description: The City of Franklin, 1 Benjamin Franklin Way, Ohio 45005 requests a rezoning for its property located 126 E. Fourth Street (Warren County Parcel No. 04312050010) and 216 E. Fourth Street (Warren County Parcel No. 04312050420 and 04212050430) and part of Tower Lane Franklin, Ohio 45005 from R-4, Multi-Family Residential District to O-I, Office and Institutional District.

This rezoning request was reviewed by Planning Commission at its July 12, 2021 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.

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.

Exhibits: Rezoning Application; Map.

Recommendation: Approval.

CITY OF FRANKLIN, OHIO
ORDINANCE 2021-19

AN ORDINANCE CONSIDERING THE RECOMMENDATION OF PLANNING COMMISSION WITH RESPECT TO AN APPLICATION TO REZONE APPROXIMATELY 2.2 ACRES, LOCATED ON THREE PARCELS AT 126 AND 216 EAST FOURTH STREET AND PART OF TOWER LANE FROM R-4, MULTI-FAMILY RESIDENTIAL DISTRICT, TO O-I, OFFICE AND INSTITUTIONAL DISTRICT.

WHEREAS, The City of Franklin, 1 Benjamin Franklin Way, Ohio 45005 requests a rezoning for its property located 126 E. Fourth Street (Warren County Parcel No. 04312050010) and 216 E. Fourth Street (Warren County Parcel No. 04312050420 and 04212050430) and part of Tower Lane Franklin from R-4, Multi-Family Residential District to O-I, Office and Institutional District;

WHEREAS, the Franklin City Planning Commission, at its July 12, 2021 meeting, voted unanimously (6-0) to make a recommendation to Council for approval on the submitted application to change the Zoning District Classification; and

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

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 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-4, Multi-family Residential District to O-I, Office and Institutional District, on the property located at 126 and 216 East Fourth Street and part of Tower Lane in the City of Franklin as recommended by Planning Commission.

OR

☐ Section 1. Upon an affirmative vote of at least five (5) of the members of Council present, that the recommendation of Planning Commission is overruled in the following respects:

Section 2. All ordinances or parts of ordinances that conflict with this Ordinance are hereby repealed.

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 Section 121.22 of the Ohio Revised Code, and the Rules of Council.

Section 4. This Ordinance shall become effective on September 1, 2021.

INTRODUCED: July 19, 2021

ADOPTED: August 2, 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 Ordinance 2021-19 passed by that body on August 2, 2021.

Khristi Dunn, Clerk of Council

Approved as to form: _____
Ben Yoder, Law Director

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

Application No. PC 21-10

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

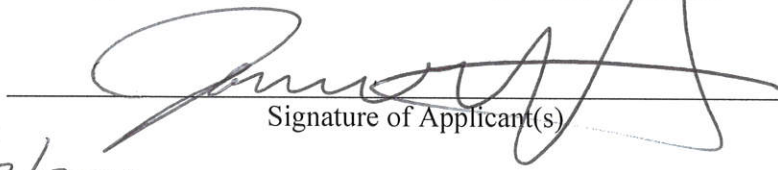
1. Name of Applicant(s): CITY OF FRANKLIN
2. Mailing Address: 1 BENJAMIN FRANKLIN WAY
3. Phone Number: 937 7469921 (home) _____ (work)
4. Address of the property proposed to be rezoned: 126 1/2 216 E. FORTU ST.
5. Lot No. of the property proposed to be rezoned: 13, 109, PT 901
6. Current Zoning District: R-4 Current Use: AMERICAN LEGION & CITY WATER TOWER
7. Proposed Zoning District: O-1 Proposed Use: MEDICAL & HEALTH & CITY WATER TOWER
RELATED OFFICES

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;
 - (2) The effect the applicant believes the rezoning will have on public health and safety;
 - (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;
 - (4) The effect the applicant believes the rezoning will have on the value of abutting properties;
 - (5) How the proposed zoning district and proposed use will generally conform with the City's Comprehensive Land Use Plan;
 - (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
 - (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.
- _____ 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: 7/2/2021

OFFICE USE ONLY

Received Date: 7/2/21

TRC Meeting: ELECTRONICALLY

Legal Notice: 7/6/21

Mailings: 7/2/21

PC Meeting: 7/12/21

Recommendation to: ☒ Approve ☐ Deny

Council Meeting: 7/19/21

Legal Notice: _____

Mailings: _____

☐ Approved

☐ Denied

Date of Approval or Denial: _____

Date Notice Mailed to Applicant: _____

Date: 7/2/2021

Rezoning R-4 to O-1

The provider makes no warranty or representation with respect to this 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.

1 inch = 100 feet

Cadastral Lines	Corporate Line	Hardware
County Line	County Line	ROW Unimproved Width Line
Farm Lot Line	Farm Lot Line	Subdivision Lot Line
Highway Right-of-Way Line	Highway Right-of-Way Line	Swamp and Range Line
Section Line	Section Line	Township Line
Subdivision Level Line	Subdivision Level Line	Water Line
Water Line	Water Line	Water Line



Legislative Cover Memo

Meeting Date: August 2, 2021

Agenda Item: **Resolution 2021-53**
AWARDING THE BID AND AUTHORIZING EXECUTION OF THE CONTRACT WITH KELCHNER INC. FOR THE 2021 DIAL PARK PHASE 1 IMPROVEMENT PROJECT.

Submitted by: Barry Conway, City Engineer

Scope/Description: On July 28, 2021, the City opened bids for this project, which were as follows:

Bidder	Total Bid
Kelchner, Inc.	\$478,880.00
Jim Clark & Sons Excavating	\$503,505.00
Performance Site Development	\$512,005.00
WG Stang, Inc.	\$518,065.00
Pinnacle Paving	\$533,367.00
Double Jay Construction	\$543,798.00
Majors Enterprise	\$568,500.00
Stauffer Site Services	\$578,225.00
Barrett Paving Materials, Inc.	\$620,315.00
Alpha Demolition, Inc.	\$645,480.00
KT Supply	\$659,980.00

The Engineer's estimated cost for this Project was \$600,000,

Budget Impact: The City budgeted the cost of this Project in the Recreation Fund and F.C. Dial Trust Fund.

Exhibits: N/A

Recommendation: Staff recommends that we accept the bid in the amount of \$478,880.00 from Kelchner Inc. as the lowest and best bid

CITY OF FRANKLIN, OHIO
RESOLUTION 2021-53

**AWARDING THE BID AND AUTHORIZING EXECUTION OF THE CONTRACT WITH KELCHNER INC. FOR THE 2021
DIAL PARK PHASE 1 IMPROVEMENT PROJECT.**

WHEREAS, bids for the 2021 Dial Park Phase 1 Improvement Project were opened on July 28, 2021, in accordance with the Notice to Bidders issued by the City of Franklin with respect to the Project;

WHEREAS, it is determined by the Franklin City Council that the bid from Kelchner Inc. is the lowest and best bid; and

WHEREAS, this Council, by Ordinance 2021-02 has authorized the expenditure of funds for the 2021 Dial Park Phase 1 Improvement Project contract through the lawful 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 Dial Park Phase 1 Improvement Project is hereby awarded to Kelchner Inc., 50 Advanced Drive, Springboro, Ohio 45005, in the total bid amount of Four Hundred Seventy-Eight Thousand Eight Hundred Eighty Dollars and 00 Cents (\$478,880.00), all in accordance with the Notice to Bidders, Instructions to Bidders, General Conditions, Specifications, Plans, and other documents contained in the bid packet issued by the City with respect to the Project.

Section 2. The City Manager is hereby directed to execute a contract with Kelchner Inc. for the Dial Park Phase 1 Improvement 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 occurred 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: August 2, 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 August 2, 2021.

Khristi Dunn, Clerk of Council

Legislative Cover Memo



Meeting Date: August 2, 2021

Agenda Item: **Resolution 2021-54**
APPOINTING PUBLIC RECORDS DESIGNEE

Submitted by: Ben Yoder, Director of Law

Scope/Description: This Resolution authorizes the Clerk of Council to serve as the City of Franklin elected officials' "appropriate designee" under Ohio Open Meetings Act to attend training on a bi-annual basis for Council Members, who serve four-year staggered terms.

Budget Impact: Training is free of charge, offered by the Attorney General's Office.

Exhibits: None.

Recommendation: Approval.

CITY OF FRANKLIN, OHIO
RESOLUTION 2021-54

APPOINTING PUBLIC RECORDS DESIGNEE

WHEREAS, the Ohio Public Records Act, 149.43(E), requires all elected officials or their appropriate designees to attend training approved by the Ohio Attorney General as provided in Ohio Revised Code § 109.43;

WHEREAS, Ohio Revised Code § 109.43 provides:

“The training shall be three hours for every term of office for which the elected official or future official was appointed or elected to the public office involved. The training shall provide elected officials or their appropriate designees and future officials with guidance in developing and updating their offices’ policies as required under section 149.43 of the Revised Code. The successful completion by an elected official, by an elected official’s appropriate designee, or by a future official of the training requirements established by the attorney general under this section shall satisfy the education requirements imposed under division (E) of section 149.43 of the Revised Code.”;

and

WHEREAS, Council desires to appoint an appropriate designee to complete the required training on a bi-annual basis, as Council terms are staged four-year terms.

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

Section 1. Council appoints as its appropriate designee Clerk of Council Khristi Dunn, to attend training in compliance with Ohio public records laws for all elected Council members.

Section 2. 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 occurred 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: August 2, 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 August 2, 2021

Khristi Dunn, Clerk of Council

Legislative Cover Memo



Meeting Date: August 2, 2021

Agenda Item: **Resolution 2021-55**
AUTHORIZING THE PURCHASE OF DE-ICING SALT FROM THE CARGIL INC. DEICING TECHNOLOGY BUSINESSSS UNIT THROUGH THE WARREN COUNTY JOINT SALT PURCHASING PROGRAM

Submitted by: Steve Inman, Public Works Director

Scope/Description: The Warren County Engineer closed the reverse online bidding for ice control salt under the Warren County Joint Salt Purchasing Program on April 8th, 2021. The lowest bids for dumped road salt (which the City of Franklin uses) were from the Cargil Inc. Deicing Technology Business Unit. The Warren County Commissioners awarded the bid to the Cargil Inc. Deicing Technology Business Unit on April 26, 2021. This year, under the County's Program, our price per ton is \$72.29. Last year our bid price was \$80.35 per ton through the County's Program, which represents a savings of \$8.06 per ton.

The bids were as follows:

Cargill Deicing Tech	\$72.29 per ton
Compass Minerals America	\$72.40 per ton
Morton Salt	\$77.34 per ton
American Rock Salt Co.	\$80.00 per ton
Detroit Salt Company	\$94.97 per ton

We estimated our need for bidding purposes at 2,000 tons.

Budget Impact: Salt is a line-item budget and is purchased on an "as needed" basis.

Bidding: Yes, through the Warren County Joint Salt Purchasing Program.

Exhibits: None.

Recommendation: Approval.

CITY OF FRANKLIN, OHIO
RESOLUTION 2021-55

**AUTHORIZING THE PURCHASE OF DE-ICING SALT FROM THE CARGIL INC DEICING TECHNOLOGY BUSINESS UNIT,
THROUGH THE WARREN COUNTY ENGINEER'S JOINT SALT PURCHASING PROGRAM**

WHEREAS, Resolution 2021-06, passed by this Franklin City Council on February 1, 2021, authorized the City of Franklin's participation in the Warren County Engineer's Joint Salt Purchasing Program for the purpose of purchasing road salt for the 2021-2022 winter season;

WHEREAS, the Warren County Engineer accepted reverse online bids for de-icing salt, delivered and dumped, until April 26, 2021, and determined that the bid of the Cargil Inc. Deicing Technology Business Unit was the lowest and best bid; and

WHEREAS, the Board of County Commissioners of Warren County, by Resolution 21-0521 passed on April 26, 2021, awarded the bid for the Warren County Engineer's Joint Salt Purchasing Program to the Cargil Inc. Deicing Technology Business Unit.

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 purchase up to three thousand (2,000) tons of de-icing salt from the Cargil Inc. Deicing Technology Business Unit, through the Warren County Engineer's Joint Salt Purchasing Program, at a price of \$72.29 per ton, dumped.

Section 2. 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 occurred 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: August 2, 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 August 2, 2021

Khristi Dunn, Clerk of Council

Legislative Cover Memo

Meeting Date: August 2, 2021

Agenda Item: **Resolution 2021-56**
AMENDING THE POSITION DESCRIPTION FOR PROPERTY
ROOM AND EVIDENCE MANAGER AND UTILITY BILLING
ADMINISTRATOR

Submitted by: Jonathan Westendorf, City Manager

Scope/Description: To accurately represent the requirements and duties, Property Room and Evidence Manager Job Description needs to be updated to add Evidence Room Management Training Certificate as a qualification.

The Utility Billing Administrator position is being amended to comply with Charter Section 8.02 as an unclassified position.

Budget Impact: None.

Exhibits: Exhibit A – Amended Property Room and Evidence Manager Position
Exhibit B – Amended Utility Billing Administrator Position

Recommendation: Approval.

CITY OF FRANKLIN, OHIO
RESOLUTION 2021-56

AMENDING THE POSITION DESCRIPTION FOR PROPERTY ROOM AND EVIDENCE MANAGER AND HUMAN RESOURCES SPECIALIST.

WHEREAS, Section 8.08 of the Franklin City Charter requires this Council to adopt a Position Classification Plan containing position descriptions for all City positions, considering the duties, authority and responsibility of each position;

WHEREAS, this Council adopted a Position Classification Plan and a position descriptions for the Poll Employee positions on August 18, 2003; and

WHEREAS, upon the request and recommendation of the City Manager/Safety Director, this Council now finds it desirable to update the position description;

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

Section 1. The position description for Property Room and Evidence Manager is hereby amended as shown in the attached Exhibit A.

Section 2. The position description for Utility Billing Administrator is hereby amended as shown in the attached Exhibit B.

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. That this resolution shall become effective immediately upon its passage.

ADOPTED: August 2, 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 August 2, 2021.

Khristi Dunn, Clerk of Council

CITY OF FRANKLIN
An Equal Opportunity Employer
POSITION DESCRIPTION

Page 1 of 3

Employee Name:		Division:	Police
Civil Service Status:	Unclassified	Position Title:	Property Room and Evidence Manager
Employment:	Part-time	Reports To:	Detective in Charge of Property
FLSA Status:	Non-Exempt	Supervises:	N/A

QUALIFICATIONS:

High school diploma or equivalent; training and/or experience in office practices and procedures; Criminal History check and drug screen.

LICENSURE OR CERTIFICATION REQUIREMENTS:

Valid Ohio driver's license; **Must possess an Evidence Room Management Training Certificate or be able to obtain an Evidence Room Management Training Certificate within six (6) months of appointment;** must meet the requirements to be bonded.

MINIMUM ACCEPTABLE CHARACTERISTICS: (* indicates developed after employment)

Knowledge of: two-way radio operations; safety practices and procedures; department goals and objectives; department policies and procedures; investigation techniques; law enforcement procedures and methods; techniques of collection and preservation of evidence; federal, state, and local laws; law enforcement administration; security practices and procedures; interpersonal relations; public relations; civil rights.

Skill in: computer operation; operation and care of firearms.

Ability to: carry out detailed but basic written or oral instructions; deal with many variables and determine specific action; recognize unusual or threatening conditions apply management principles to solve agency problems; define problems, collect data, establish facts, and draw valid conclusions; exercise independent judgement and discretion; understand, interpret, and apply laws, rules or regulations to specific situations; complete routine forms; prepare accurate documentation; compile and prepare reports; communicate effectively; develop and maintain effective working relationships.

ESSENTIAL FUNCTIONS OF THE POSITION: For purposes of 42 USC 12101.

1. Maintains proper evidence facilities, equipment, and procedures concerning the custody, storage and organization of all Franklin Police Department evidence.
2. Supervises and/or executes the agency's obligations in the correct disposition of evidence and of property forfeited through civil or criminal process.
3. Ensures the correct completion of forms, chain of custody records and receipts related to the submission, transports evidence and/or property in a secure manner to designated locations.
4. Prepares and submits forms/letters requesting disposal of evidence.

Developed by:

Date Adopted: 6/21/21

Clemans, Nelson & Associates, Inc.

Date Revised: 7/19/21

Loveland, Ohio 45140

{7/25/2007 PDFRKCI 00046106.DOC}

CITY OF FRANKLIN
An Equal Opportunity Employer
POSITION DESCRIPTION

Page 2 of 3

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5. Ensures the timely updating of all related property records; prepares, submits and maintains destruction orders by court of record
 6. Develops and maintains a thorough knowledge of current property room procedures and agency policy relating to evidence management and control.
 7. Makes recommendations based on statutory changes, case law and other sources, for the revision of existing agency policy, as necessary.
 8. Prepares for and participates in regular property room inventories and audits as directed.
 9. Works with detectives, other law enforcement agencies, crime laboratories, attorneys, prosecutors, and court officials.
 10. Assists prosecutors in preparation of cases; appears in court and other official proceedings to provide testimony regarding evidence management, chain of custody and storage.
 11. Provides information to the public regarding related law enforcement matters.
 12. Meets all job safety requirements and all applicable OSHA safety standards that pertain to essential functions.
 13. Demonstrates regular and predictable attendance.

OTHER DUTIES AND RESPONSIBILITIES:

14. Attends job related training as required.
15. Performs other duties as required.

EQUIPMENT OPERATED: The following are examples only and are not intended to be all inclusive.
Computer, copier, fax machine, typewriter, audio/video equipment, telephone.

INHERENTLY HAZARDOUS OR PHYSICALLY DEMANDING WORKING CONDITIONS:

(For purposes of O.R.C. 4167)

1. Floor openings, wall openings and holes; open-sided floors, platforms and runways; stairs.
2. Emergency plans and fire plans.
3. Noisy operations or activities.
4. Compressed gases.

CITY OF FRANKLIN
An Equal Opportunity Employer
POSITION DESCRIPTION

Page 3 of 3

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5. General requirements for use, care, and limitations of personal protective equipment.
 6. Eye and face protection due to potential exposure to flying objects, impact, and other hazards.
 7. Medical and first aid.
 8. Portable fire extinguishers.
 9. Handling of material and supplies. (Includes mechanical handling equipment, the manner in which things are stored, and housekeeping.)
 10. Air contaminants.
 11. Lead, including lead based paints or lead from other sources.
 12. Human blood or other potentially infectious materials.
 13. Hazardous chemicals.

GENERAL DUTY: SAFE AND HEALTHFUL WORKPLACE

The employee:

1. Uses or works in proximity to the use of firearms.
2. Works in or around crowds.
3. Has contact with potentially violent or emotionally distraught persons.
4. Has exposure to potentially vicious animals.
5. Has exposure to life threatening situations.
6. Has exposure to hazardous driving conditions.

This position description in no manner states or implies that these are the only duties and responsibilities to be performed by the position incumbent. My (employee) signature below signifies that I have reviewed and understand the contents of my position description.

(Approval of Appointing Authority)

(Date)

(Employee Signature)

(Date)



CITY OF FRANKLIN
An Equal Opportunity Employer
POSITION DESCRIPTION

Page 1 of 3

Employee Name:		Division:	Finance
Civil Service Status:	Classified <u>Unclassified</u>	Position Title:	Utility Billing Administrator
Employment:	Full-time	Reports To:	Finance Director
FLSA Status:	Non-Exempt	Supervises:	Utility Clerks

QUALIFICATIONS:

High school diploma or equivalent; Three to five (3-5) years training and/or experience in office practices and procedures; billing and collections experience preferred; Submit to and successfully complete any of the following requested tests, if requested:

- A. A physical examination (including an eye test).
- B. Personal background investigation and/or a criminal records check.
- C. A polygraph or voice stress analysis test.

LICENSURE OR CERTIFICATION REQUIREMENTS:

None.

MINIMUM ACCEPTABLE CHARACTERISTICS: (* indicates developed after employment)

Knowledge of: basic accounting; bookkeeping; data processing techniques and procedures; computer systems and other office equipment; Division goals and objectives; Division policies and procedures; English grammar and spelling; office practices and procedures; public relations; records management; safety practices and procedures; supervisory principles and practices..

Skill in: adding machine or calculator operation; computer operation; data entry; telephone console operation; typing; use of software applications, including Excel and Word; use of modern office equipment; use of dispatching two-way radio; word processing.

Ability to: act professionally, tactfully and courteously to fellow managers, employees and the general public; add, subtract, multiply and divide whole numbers; calculate fractions, decimals and percentages; communicate effectively, both orally and in writing; compile and prepare reports; develop and maintain effective working relationships with City officials, fellow supervisors, Division employees and other City employees; exercise independent judgment and discretion in carrying out daily operations; handle confidential information; interpret and apply rules and regulations to specific situations; maintain records according to established procedures; plan, schedule, direct and coordinate the work and operations of the Division; prepare accurate documentation; recognize unusual and/or threatening conditions and take appropriate action; respond to routine inquiries from public and/or officials; train or instruct others.

ESSENTIAL FUNCTIONS OF THE POSITION: For purposes of 42 USC 12101.

1. Manages and directs staff; provides assignments and training; monitors and assesses functioning of Division; is responsible for staff scheduling; delivers reports and feedback to the Finance Director.

Developed by:

Date Adopted: 12/07/15 (R-2015-51) Clemans, Nelson & Associates, Inc.

Date Revised: Loveland, Ohio 45140

{7/25/2007 PDFRKCI 00046106.DOC}

CITY OF FRANKLIN
An Equal Opportunity Employer
POSITION DESCRIPTION

Page 2 of 3

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2. Prepares water and sewer bills; collects money and balances daily receipts; maintains records of receipts and disbursements; answers inquiries concerning service, accounts and complaints; prepares delinquent account list and carries out collection processes; checks meter books and other accounting records; waits on customers, processes account changes, grants extensions and writes work orders.
 3. Maintains and monitors Division's accounts; immediately reports any discrepancies to the Finance Director.
 4. Assures Division is complying with federal, state and City laws, rules and regulations.
 5. Responds to complaints and inquiries from customers.
 6. Demonstrates regular and predictable attendance.
 7. Meets all job safety requirements and all applicable OSHA safety standards that pertain to essential functions.
 8. Performs other duties as assigned by the Finance Director.

OTHER DUTIES AND RESPONSIBILITIES:

9. Attends trainings, seminars and workshops related to duties performed.

EQUIPMENT OPERATED: The following are examples only and are not intended to be all inclusive.
Computer, calculator, copier, fax machine, cash register, telephone, two-way radio, typewriter, etc

INHERENTLY HAZARDOUS OR PHYSICALLY DEMANDING WORKING CONDITIONS:

(For purposes of O.R.C. 4167)

The physical demands described here are representative of those that must be done by the employee to successfully perform the essential functions of the job. While performing the duties of the job, the employee is frequently required to sit; use hands to touch, handle, hold or feel telephones, keyboards, tools, controls, objects and to reach with hands and/or arms; and talk and hear. The employee is frequently required to stand, walk, climb or balance, and must occasionally stoop, kneel, crouch and lift or move up to fifty (50) pounds.

The work environment characteristic of the position is mainly a climate-controlled office setting. The employee may be exposed to noisy operations or activities, or potentially violent persons, dangerous persons or emotionally distraught persons. The employee occasionally is exposed to moving mechanical parts; compressed gases; flammable and combustible liquids; air contaminants; lead; hazardous chemicals; materials which contain asbestos; and emergency plans and fire plans.

Mental alertness is very important because of the need to make fine discriminations and decisions concerning subtle cues of impending danger.

Developed by:

Date Adopted: 12/07/15 (R-2015-51) Clemans, Nelson & Associates, Inc.

Date Revised:

Loveland, Ohio 45140

{7/25/2007 PDFRKCI 00046106.DOC}



CITY OF FRANKLIN
An Equal Opportunity Employer
POSITION DESCRIPTION

GENERAL DUTY: SAFE AND HEALTHFUL WORKPLACE

The employee:

1. Works in or around crowds.
2. Has contact with potentially violent, assaultive and/or dangerous persons or emotionally distraught persons.
3. Has exposure to life-threatening situations.
4. Handles materials and supplies (includes mechanical handling equipment, the manner in which things are stored, and housekeeping).
5. May be exposed to contagious diseases or bodily substances.
6. Sits for extended periods of time.
7. Types for extended periods of time.

This position description in no manner states or implies that these are the only duties and responsibilities to be performed by the position incumbent. My (employee) signature below signifies that I have reviewed and understand the contents of my position description. Further, I acknowledge and agree that this position description is a guide, is not contractual in nature, and the duties and responsibilities of the position are subject to change.

(Approval of Appointing Authority)

(Date)

(Employee Signature)

(Date)

Developed by:

Date Adopted: 12/07/15 (R-2015-51) Clemans, Nelson & Associates, Inc.

Date Revised:

Loveland, Ohio 45140

{7/25/2007 PDFRKC1 00046106.DOC}

Legislative Cover Memo



Meeting Date: August 2, 2021
Second Reading: August 16, 2021

Agenda Item: **Resolution 2021-57**
PROVIDING INTENT OF CITY COUNCIL UNDER CHARTER SECTION 3.03(i) TO DISPENSE WITH COMPETITIVE PUBLIC BIDDING REGARDING THE SALE OF REAL PROPERTY AND DIRECTING AND AUTHORIZING COMPLIANCE WITH CHARTER SECTION 3.03(i)

Submitted by: Ben Yoder, Director of Law

Scope/Description: In the November 2017 general election, the voters empowered Council to sell City owned real property in the absence of public bidding. In order to sell real estate in this manner, certain forms of notice must be executed to allow the public the opportunity to know the City's intent to proceed in this manner which, in turn, allows the public to appear and be heard before Council. This Resolution provides the public notice and directs compliance with Charter Section 3.03(i).

Budget Impact: None.

Exhibits: Exhibit A: Legal Notice of City Council's intent to dispense with competitive bidding regarding the sale of City-owned real property, published in accordance with Charter Section 3.03(i).

Recommendation: Approval.

CITY OF FRANKLIN, OHIO
RESOLUTION 2021-57

PROVIDING INTENT OF CITY COUNCIL UNDER CHARTER SECTION 3.03(i) TO DISPENSE WITH COMPETITIVE PUBLIC BIDDING REGARDING THE SALE OF REAL PROPERTY AND DIRECTING AND AUTHORIZING COMPLIANCE WITH CHARTER SECTION 3.03(i)

WHEREAS, The City of Franklin Charter Section 3.03(i) vests the Council with “[t]he power to sell or otherwise convey, lease, or grant interests in real property..... Such sale, conveyance, lease or grant, shall be in the manner 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. Written notice of intent to sell or lease real property shall be posted on the real estate to be sold or leased in a conspicuous location on such property and shall remain posted for four (4) consecutive weeks.”; and

WHEREAS, the City of Franklin Charter 3.03(i) further provides, as recently passed by voters in the 2017 general election, that “[t]he requirement that real estate be sold or leased only after competitive bidding may be waived upon the vote of at least five (5) members of the Council provided, however, that the Council shall give notice of its intent to dispense with competitive bidding by publication of such intent in the manner prescribed herein and by the reading of such intent at two consecutive regular Council meetings.” (Ord 17-17, 11-17-17; passed by electorate 11-17-17, eff. 1-1-18); and

WHEREAS, the City of Franklin holds title to the real property situated at 126 E. 4th Street, Parcel ID number 0431205001; and

WHEREAS, the City of Franklin desires the property be put to a productive use that complements existing surrounding uses to aid in the City’s continued efforts to further economic development, growth and stability in the City’s downtown area;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Franklin, Ohio, FIVE (5) members elected thereto concurring, that:

Section 1. The City of Franklin Council hereby gives notice to the public of its intent to sell the City-owned real property located at 126 E. 4th Street, Franklin, Ohio (the “Property”) and to dispense with competitive bidding in the sale of such Property.

Section 2. The City of Franklin Council authorizes and directs the Clerk of Council to post written notice of the City’s intent to sell the Property, in substantially the same form as the legal notice attached hereto as Exhibit, on the City’s website to ensure the public every opportunity to learn of Council’s intent to dispense with competitive bidding and afford the public every opportunity to be heard.

Section 3. The Clerk of Council is further directed to place a second reading of this Resolution on the Agenda for the next regularly scheduled Council meeting.

Section 4. 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 occurred 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 Resolution shall become effective immediately upon its passage.

ADOPTED: August 2, 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 August 2, 2021

Khristi Dunn, Clerk of Council



Legal Notice

City of Franklin, Warren County, Ohio

The City of Franklin, in compliance with City Charter Section 3.03 POWERS OF COUNCIL (i) Real Property gives notice to the public of the following:

1. The City of Franklin Council will consider Resolution 2021-57 on August 2, 2021, effective immediately, providing notice to the public of its intent to dispense with competitive bidding in the sale of real property located at 126 E. 4th Street, Franklin, Ohio, 45005, Parcel ID number 0431205001.
2. The City of Franklin will read this notice at two consecutive regular Council meetings (August 2, 2021 and August 16, 2021). All those wishing to be heard by Council on this matter are encouraged to attend.
3. Council intends to dispense with competitive bidding in the sale of real property located at 126 E. 4th St., Franklin, Ohio, in furtherance of its objective and continued efforts to create and develop economic growth and stability of the downtown area.

Legislative Cover Memo



Introduction: August 2, 2021
Public Hearing: August 16, 2021
Effective Date: September 17, 2021

Agenda Item: **Ordinance 2021-20**
AMENDING SECTION 923.03 STORMWATER USER FEE, SECTION 923.04 SCHEDULE OF RATES, SECTION 923.05 SURCHARGE FOR CURB AND GUTTERS AND "APPENDIX A" OF CHAPTER 1701 OF THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO, CAPTIONED "RATES AND FEES" TO INCLUDE FEES UNDER PART NINE, TITLE THREE OF THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO, CAPTIONED "UTILITIES" AND INCLUDES AN ADMINISTRATION FEE FOR SOLID WASTE, RECYCLING AND YARD WASTE COLLECTION.

Submitted by: Barry Conway, City Engineer

Scope/Description: This Ordinance provides those fees arising under the Stormwater Management Utility and includes the Administration Fee for Solid Waste, Recycling and Yard Waste Collection to be included in the Appendix A Fee Schedule of Chapter 1701 of the Codified Ordinances. The Stormwater User Fee shall be increased from \$3.50 to \$5.00 per ERU and the Administration Fee for Solid Waste, Recycling and Yard Waste Collection will be raised from \$2.71 to \$3.71 to help offset rising costs.

Exhibits: Exhibit A: Section 923.03 Stormwater User Fee, 923.04 Schedule of Rates and Section 923.05 Surcharge for Curb and Gutters.
Exhibit B: Chapter 1701, Appendix A, captioned Rates and Fees

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

Recommendation: Approval.

CITY OF FRANKLIN, OHIO
ORDINANCE 2021-20

AMENDING SECTION 923.03 STORMWATER USER FEE, SECTION 923.04 SCHEDULE OF RATES, SECTION 923.05 SURCHARGE FOR CURB AND GUTTERS AND "APPENDIX A" OF CHAPTER 1701 OF THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO, CAPTIONED "RATES AND FEES" TO INCLUDE FEES UNDER PART NINE, TITLE THREE OF THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO, CAPTIONED "UTILITIES" AND INCLUDES AN ADMINISTRATION FEE FOR SOLID WASTE, RECYCLING AND YARD WASTE COLLECTION.

WHEREAS, the City of Franklin wishes to include the Stormwater Management Utility fees and the Administration Fee for Solid Waste, Recycling and Yard Waste Recycling in Appendix A of Chapter 1701 of the Codified Ordinances of the City of Franklin, referred to as the Cost of Living Adjustment (COLA) fees; and

WHEREAS, for ease of reference between related sections of the City's Codified Ordinances, the City further wishes to include a reference to Appendix A of Chapter 1701 in certain provisions of the City of Franklin's Chapter 923 Stormwater Management Utility.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FRANKLIN, WARREN COUNTY, OHIO THAT:

Section 1. Sections 923.03, 923.04 and 923.05 of Chapter 923 of the City's Codified Ordinances are hereby amended as set forth in Exhibit A, attached hereto.

Section 2 Chapter 1701, Appendix A, is hereby amended as set forth in Exhibit B, attached hereto.

Section 3. 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 occurred 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.

INTRODUCED: August 2, 2021

ADOPTED: August 16, 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 Ordinance 2021-20 passed by that body on August 16, 2021.

APPROVED AS TO FORM:

Khristi Dunn, Clerk of Council

Ben Yoder, Law Director

FRANKLIN CODIFIED ORDINANCE

Chapter 923 – Stormwater Management Utility

923.03 Stormwater User Fee

- (a) Establishment: Subject to the provisions of this Chapter, each and every residential developed property, nonresidential developed property, vacant improved property and undeveloped property, other than exempt property, within the corporate limits of the City, and the owners and occupants thereof, shall have imposed upon them a Stormwater User Fee.
- (b) Joint and Several Liability: In the event the owner and occupants of a particular property are not the same, the liability for each the owner and the occupant for the Stormwater User Fee attributable to that property shall be joint and several.
- (c) Service Charge: The Stormwater User Fee shall be a monthly or a regular interval service charge and shall be determined in accordance with Section 923.04, the provisions of this Chapter, and the ERU and the ERU rate, which shall be ~~established and changed from time to time by City Council~~ **included in Section 1701.03, Appendix A, Fee Schedule.**

(Ord. 2004-16. Passed 6-21-04; Ord. 2015-07. Passed 6-1-15.)

923.04 Schedule Of Rates

- (a) Intent: It is the intent of Council, by this section, to establish a uniform schedule of rates for the services and use of the facilities of the stormwater management system by the owner, tenant or occupant of the premises using the services and facilities of said system.
- (b) Establishment of Rates:
 - (1) The City Council, upon the recommendation of the City Manager, shall, by ordinance or resolution, establish a flat fee for the Stormwater User Fee per residential unit. **This fee shall be included in Section 1701.03, Appendix A, Fee Schedule.**
 - (2) The City Council, upon the recommendation of the City Manager, shall, by ordinance or resolution, establish the value of an ERU, equal to a number of square feet of measured impervious surface area and equal to the statistical average amount of horizontal impervious area of residential units within the City, and shall establish a flat fee for the ERU rate.
 - (3) Parcels or lots that are undeveloped shall be assessed a Stormwater User Fee. The fee rate shall be determined by dividing the total land area of the property, in square feet, by the area of an ERU times a correction factor. The correction factor may be based on the relative volume of runoff from an undeveloped property and that of a typical single-family residence under typical hydrologic conditions.
 - (4) For all nonresidential properties or other properties not covered by subsections (b)(1) and/or (b)(3) of this section, the rate of the Stormwater User Fee shall be computed based on the total impervious area of the property, divided by the average impervious area of an ERU times the rate established for an ERU.
 - (5) The rate of the Stormwater User Fee per property shall be updated by the Utility Billing Division based on any additions to the impervious areas, as approved through the zoning and/or building permit process.

923.05 Surcharge For Curbs And Gutters

- (a) Surcharge: Notwithstanding any other provision of this Chapter, there is hereby imposed a monthly ~~two dollar (\$2.00)~~ curb and gutter surcharge per utility billing account, to be collected with Stormwater User Fee in accordance with Section 923.06. Every five (5) years, City Council shall review the rate of the curb and gutter surcharge and determine whether to continue said surcharge and if so, the appropriate rate of the surcharge. *This fee shall be included in Section 1701.03, Appendix A, Fee Schedule.*
- (b) Purpose: All surcharges imposed and collected shall be placed in a separate line item in the Stormwater Fund and shall be used for the maintenance, repair and replacement of curbs and gutters within the City.
- (c) Surplus Funds: If, at any time, Council finds there are surplus funds in said curb and gutter line item, such surplus may be transferred to the General Fund in an amount equal



FRANKLIN CODIFIED ORDINANCE SECTION 1701.03, APPENDIX A FEE SCHEDULE

EFFECTIVE MARCH 1, 2021

COLA 1.87%

The following schedule for fees is authorized by Ordinance 2004-46, passed December 20, 2004. All of the rates & fees set forth below shall be subject to an annual increase equal to the percentage obtained by averaging the national inflation rate from the United States Labor Department, Bureau of Labor Statistics for the previous three years. This increase shall be referred to as the Cost of Living Adjustment (COLA). The new flat rate is established by adding the COLA to the then existing flat rate. When the yearly COLA is applied, all fees/licenses less than \$50.00 shall be rounded up to the nearest \$.25; all fees/licenses greater than \$50.00 shall be rounded to the nearest dollar; and all charges/rates based on volume shall be rounded to the nearest penny. This increase shall be implemented by the City Management no later than March 1st of each year.

The rates & fees for services and permits of the City of Franklin are as follows:

FEE OR PERMIT NAME	FLAT RATE OR FEE
1. BUSINESS REGULATIONS – PART SEVEN, FRANKLIN CODIFIED ORDINANCE	
<u>Carnivals & Circus, per day</u>	\$ 69.00
<u>Junk Yard/Recycling Center/Recycling Plant</u>	\$ 36.25
Renewal	\$ 36.25
<u>Mechanical Amusement Device License</u>	
Juke box	\$ 36.25
Mechanical amusement device	\$ 36.25
<u>Motor Vehicle Salvage Dealers License or</u>	
<u>Salvage Motor Vehicle Auction License or</u>	
<u>Salvage Motor Vehicle Pool License</u>	\$ 69.00 each
Renewal for each	\$ 69.00
<u>Taxi Cabs</u>	
Certificate of Public Convenience	\$ 69.00
Vehicles	\$ 36.25 each
<u>Rooming House –Per Ordinance 2009-23, passed 10/5/09, effective 11/4/09</u>	
License for New Owner of Existing Rooming House	\$118.00
License Renewal	\$118.00
Duplicate/Replacement License	\$ 61.00

2. TRAFFIC CODE – PART THREE, FRANKLIN CODIFIED ORDINANCE



<u>Commercial & Heavy Vehicle Permit</u>	\$ 8.50
Police Officer, first hour & fraction thereof	\$ 14.25

3. STREETS, UTILITIES & PUBLIC SERVICES – PART NINE, FRANKLIN CODIFIED ORDINANCE

<u>Waste Collector's License</u>	\$145.00
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<u>Curbing, Curbs, Gutters, Driveway Approaches</u>	
Constructing, Repairing or Replacing	\$36.00 each

<u>Excavation Permit</u>	\$0.10 per sq. yard, \$36.00 minimum
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Water

Water Rate	\$14.16 per 333 cu. ft., or fraction thereof, per month
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Water Tap-in Fees

Line Size	Tap-in fee	Installation Fee	Water Utilization Fee
¾" line	\$ 2,980.00	\$2,265.00	\$709.00
1"	\$ 3,356.00	\$2,409.00	\$709.00
1 ½"	\$ 3,725.00	\$2,834.00	\$709.00
2"	\$ 4,101.00	\$3,257.00	\$709.00
3"	\$ 5,214.00		\$709.00
4"	\$ 6,706.00		\$709.00
6"	\$10,435.00		\$709.00
8"	\$22,352.00		\$709.00
10"	\$26,826.00		\$709.00
12"	\$32,788.00		\$709.00

Multi Family Units

2 or more families	water tap-in fee + utilization fee for each unit
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Sewer

Sewer Rate	Effective August 1, 2018 - \$12.27 per 333 cu. ft. or fraction thereof, per month. For the years 2019 thru 2023, the sewer rate will increase 7% in January plus the COLA rate in March.
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*Effective 1/2019 – sewer rate \$13.13 per 333 cu. ft. or fraction thereof, per month

* Effective 3/2019 – sewer rate \$13.38 per 333 cu. ft. or fraction thereof, per month

* Effective 1/2020 – sewer rate \$14.32 per 333 cu. ft. or fraction thereof, per month

* Effective 3/2020 – sewer rate \$14.62 per 333 cu. ft. or fraction thereof, per month

* Effective 1/2021 – sewer rate \$15.64 per 333 cu. ft. or fraction thereof, per month



* Effective 3/2021 – sewer rate \$15.93 per 333 cu. ft. or fraction thereof, per month

Sewer Tap-in Fees (based on water line size)

Line size:	Fee:
¾" line	\$ 2,980.00
1"	\$ 3,356.00
1 ½"	\$ 3,725.00
2"	\$ 4,101.00
3"	\$ 5,214.00
4"	\$ 6,706.00
6"	\$10,435.00
8"	\$22,352.00
10"	\$26,826.00
12"	\$32,788.00

Multi-Family Units

2 or more families sewer tap-in fee + rate adjustment fee (915.041 CO)

Flow Assisted by Pump Station sewer tap-in fee + \$709.00

Standard Solid Surcharge* additional charge of \$643.00 Per ton for all suspended solid in excess of two hundred twenty-five milligrams (225mg) per liter

Chemical Oxygen Demand Charge* additional charge of \$162.00 per ton in excess of six hundred milligrams (600 mg) per liter

Stormwater Management

Stormwater User Fee **\$5.00 per ERU**

Curb and Gutter Surcharge **\$2.00 per month**

Solid Waste, Recycling and Yard Waste Collection

Administration Fee **\$3.71 per month**

4. PROPERTY MAINTENANCE CODE – PART THIRTEEN, FRANKLIN CODIFIED

ORDINANCE (Ord. 2019-07, emergency, passed 8-5-19 and Ord. 2019-10, passed 9-19-19)

Abatement of Violation, Inspection & Administration	\$260.00
Emergency Repair Administration	\$260.00
Administration	\$260.00
Furniture Administration	\$260.00
Rubbish or Garbage Administration	\$260.00
Appeal Application	\$104.00
Pre-sale Inspection and Certificate of Occupancy (Required for new owners and tenants)	\$60.00

- Ordinance 2004-46, passed 12-20-04, established this fee schedule.
- Ordinance 2005-22, passed 7-18-05 amended Section 1701.03 – added new item 6. Fire Prevention (effective August 17, 2005)
- Ordinance 2005-40 (emergency), passed 10-3-05, amended 2. Planning & Zoning –Part Eleven, FCO – added new fee “Building, Housing & Zoning Appeals Application”, for variance, no charge.
- Ordinance 2005-41, passed 10-17-05, permanent ordinance for O-05-40
- Ordinance 2008-23, passed 8-18-08, amended 1. Building Department & 2. Planning & Zoning
- Ordinance 2009-06, passed 3-16-09, deleted Sections 1. Building Department and 2. Planning & Zoning.
- Ordinance 2018-01, passed 3-19-18, amended Part 3, Sewer*
- Ordinance 2018-10, passed 6-4-18, amended Part 3, Sewer, effective 8-1-18
- Ordinance 2019-07, (emergency) passed 8-5-19, added Part 5 – Property Maintenance Code, Part Thirteen, Title Seven of the Franklin Codified Ordinances
- Ordinance 2019-10, passed 8-19-19, added Part 5 – Property Maintenance Code, Part Thirteen, Title Seven of the Franklin Codified Ordinances
- Ordinance 2020-13, (emergency) passed 10-19-2020, repealed Ordinance 2005-22 and removed fee for Safety Occupancy Permit under Fire Prevention – Part Fifteen of the Franklin Codified Ordinances
- Ordinance 2020-14, passed 12-07-2020, repealed Ordinance 2005-22 and removed fee for Safety Occupancy Permit under Fire Prevention – Part Fifteen of the Franklin Codified Ordinances
- Ordinance 2021-10, introduced ~~6-7-21~~ **passed 6-21-21**, enacted a new chapter in the City’s Property Maintenance Code: Chapter 1375, PRE-SALE INSPECTION AND CERTIFICATE OF OCCUPANCY REQUIRED FOR NEW OWNERS AND TENANTS.
- **Ordinance 2021-16, passed 7-19-21, amended Section 1701.01 Rates and Fees to include fees for Pre-sale Inspection and Certificate of Occupancy.**

Legislative Cover Memo



Introduction: August 2, 2021
Public Hearing: August 16, 2021
Effective Date: September 17, 2021

Agenda Item: **Ordinance 2021-21**
AMENDING SECTION 143.02 OF THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO, CAPTIONED "UTILITY BILLING ADMINISTRATOR" TO ESTABLISH THE UTILITY BILLING ADMINISTRATOR IS IN THE UNCLASSIFIED SERVICE IN ACCORDANCE WITH SECTION 8.02 OF THE CITY CHARTER

Submitted by: Jonathon Westendorf, City Manager

Scope/Description: This Ordinance amends the position description for the Utility Billing Administrator to make clear the position is in the unclassified service, consistent with the list of unclassified service positions set forth in Section 8.02 of the City Charter

Exhibits: Exhibit A: Section 143.02

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

Recommendation: Approval.

CITY OF FRANKLIN, OHIO
ORDINANCE 2021-21

**AMENDING SECTION 143.02 OF THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO,
CAPTIONED "UTILITY BILLING ADMINISTRATOR" TO ESTABLISH THE UTILITY BILLING ADMINISTRATOR IS IN
THE UNCLASSIFIED SERVICE IN ACCORDANCE WITH SECTION 8.02 OF THE CITY CHARTER**

WHEREAS, Section 8.02 of the City of Franklin Charter provides that division heads within the City's Department of Finance are considered members of the unclassified service of City employees;

WHEREAS, the City's Utility Billing Administrator is considered a division head of the City's Department of Finance;

WHEREAS, the City of Franklin Council desires to amend Section 143.02 of the City's Codified Ordinances in order to make clear the Utility Billing Administrator is a position within the unclassified service, consistent with the City Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FRANKLIN, WARREN COUNTY, OHIO THAT:

Section 1. Section 143.02 of the City's Codified Ordinances is hereby amended as set forth in Exhibit A, attached hereto.

Section 2. All ordinances or parts of ordinances that conflict with this Ordinance are hereby repealed.

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 occurred 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.

INTRODUCED: August 2, 2021

ADOPTED: August 16, 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 Ordinance 2021-23 passed by that body on August 16, 2021.

Khristi Dunn, Clerk of Council

APPROVED AS TO FORM:

Ben Yoder, Law Director

FRANKLIN CODIFIED ORDINANCE

Chapter 143 – Utility Billing Division

143.02 Utility Billing Administrator

- (a) Appointment: The Utility Billing Administrator shall be appointed by the City Manager, with the consent of the Finance Director, ~~in accordance with the rules and regulations of the City's Civil Service Commission.~~
- (b) Powers and Duties: The Utility Billing Administrator shall perform such duties and have such obligations and responsibilities as are set forth in the City's Public Utilities and Public Services Code and all other ordinances and resolutions passed by the Council or applicable statutes of this State relative to utility billing and collection.
- (c) Reports to Finance Director: The Utility Billing Administrator shall be under the supervision and control of the Finance Director.
- (d) Classified Service: In accordance with Section ~~8.03~~ 8.02 of the City's Charter, the position of Utility Billing Administrator shall be in the ~~classified~~ unclassified service.

(Ord. 2016-16. Passed 11-21-16.)

Legislative Cover Memo

Introduction: August 2, 2021
Public Hearing: August 16, 2021
Effective Date: August 16, 2021

Agenda Item: **Ordinance 2021-22**
AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT OF PURCHASE AND SALE OF REAL PROPERTY AND OTHER DOCUMENTS FOR THE SALE OF REAL PROPERTY LOCATED AT 126 EAST FOURTH STREET, FRANKLIN, OHIO; PARCEL ID: 0431205001 AND DECLARING AN EMERGENCY

Submitted by: Ben Yoder, Director of Law

Scope/Description: To allow the sale of real property located at 126 East Fourth Street, Franklin, Ohio

Exhibits: Exhibit A – Agreement of Purchase and Sale of Real Property

Budgetary Impact: The sale of the City-owned real property described in this Ordinance is expected to be in the best interests of the general welfare of City of Franklin residents by furthering economic development, growth and stability in the City's downtown area, as well as increasing public access to mental health and substance abuse services.

Vote Required For Passage: Per Section 4.05 of the City's Charter, the passage of this Ordinance requires the affirmative vote of at least FIVE (5) of members of Council.

Recommendation: Approval

CITY OF FRANKLIN, OHIO
ORDINANCE 2021-22

AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT OF PURCHASE AND SALE OF REAL PROPERTY AND OTHER DOCUMENTS FOR THE SALE OF REAL PROPERTY LOCATED AT 126 EAST FOURTH STREET, FRANKLIN, OHIO; PARCEL ID: 0431205001 AND DECLARING AN EMERGENCY

WHEREAS, The City of Franklin owns certain real property situated at 126 East Fourth Street, Franklin, Ohio (the "Property"); and

WHEREAS, the Franklin City Council passed Resolution 2021-57, thereby giving the public notice of Council's intent to waive competitive bidding procedures related to the sale of the Property in accordance with Section 3.03(i) of the City Charter; and

WHEREAS, Council desires to take these actions to protect the health, safety and welfare of its citizens by furthering economic development, growth and stability in the City's downtown area, as well as increasing public access to mental health and substance abuse services; and

WHEREAS, this Council finds it to be in the best interests of the City of Franklin, Ohio and its residents to proceed with the sale of the Property, and to dispense with competitive public bidding with respect to the sale, to allow the Property to undergo immediate renovation for the operation of new business from the Property.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FRANKLIN, WARREN COUNTY, OHIO THAT:

Section 1. This Ordinance is found to be an emergency measure, necessary to allow for the immediate renovation and occupancy of the Property by the buyer of the Property in furtherance of the City's interests in furthering economic development, growth and stability in the City's downtown area, and increasing public access to mental health and substance abuse services.

Section 2. The City Manager is authorized to execute an Agreement of Purchase and Sale of Real Property, in substantially the same form as the agreement attached hereto as Exhibit A, and other necessary documents for the sale of the City-owned real property located at 126 East Fourth Street, Franklin, Ohio; Parcel ID: 0431205001.

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 occurred 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 go into effect immediately upon its adoption.

INTRODUCED: August 2, 2021

ADOPTED: August 16, 2021

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
Brent Centers, Mayor

Approved as to form: _____, Ben Yoder, Law Director

REAL ESTATE PURCHASE AGREEMENT

This Agreement is made and entered into on the date last signed below, by and between The City of Franklin, an Ohio municipal corporation (hereinafter referred to as "Seller") and Talbert Services, an Ohio non-profit corporation, whose address is 2600 Victory Parkway, Cincinnati, Ohio 45206 (hereinafter referred to as "Purchaser").

WHEREAS, Seller is the owner of certain real estate located at 126 E. 4th Street, in Franklin, Warren County, Ohio 45005, known as Parcel No. 0431205001, and hereinafter referred to as the "Real Estate"; and

WHEREAS, Seller desires to sell and Purchaser desires to purchase the Real Estate with all improvements and fixtures thereon and with all appurtenant rights, privileges and easements of record, on the terms and conditions hereinafter set forth.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL PROMISES AND COVENANTS HEREIN CONTAINED, THE PARTIES AGREE AS FOLLOWS:

1. **REAL ESTATE.** Subject to the terms hereof, Seller agrees to sell and Purchaser agrees to purchase the Real Estate, as-is.

2. **PRICE AND PAYMENT.** The purchase price of the Real Estate shall be Sixty-Five Thousand Dollars (\$65,000.00) ("the Purchase Price"). The Purchase Price shall be paid in cash, certified check, cashier's check or wire transfer at the time of the closing as provided in paragraph 8.

3. **CONVEYANCE.** Title to the Real Estate shall be conveyed at closing by general warranty deed. Said deed shall convey marketable title in fee simple absolute, subject only to a right of first refusal reserved to Seller, real estate taxes not then delinquent and easements and restrictions of record. As of the date hereof, Purchaser has not examined the title to the Real Estate. If an examination of the title to the Real Estate discloses any title defects or other matter which, in Purchaser's judgment, interferes with Purchaser's intended use of the Real Estate, or which renders the title unmarketable, then, prior to closing, Purchaser shall provide written notice thereof to Seller. In such event, if Seller is unable to or does not elect to remedy any such title defects or other such matter of title at Seller's sole cost and expense on or prior to the closing date, then Purchaser at its election, may either acquire the Real Estate subject to the effect of the same or terminate this Agreement without further liability to either party. During the term of this Agreement, Seller shall not convey any interest in the Real Estate without the prior written approval of Purchaser.

4. **PURCHASER'S EXAMINATION.** Except as otherwise stated herein, Purchaser is relying solely upon his own examination of the Real Estate for its physical condition and character, and the Real Estate's suitability for purchaser's intended use thereof.

5. **SELLER'S CERTIFICATION:** The Real Estate is zoned commercial, is not located in an Environmental Quality District, is not located in a Historic District, and to the best of Seller's knowledge and belief, there is not located in or about the Real Estate any asbestos,

PCB transformers, or other toxic, hazardous, or contaminated substances and/or underground storage tanks, and the Real Estate is free from any and all City, County, State and Federal orders affecting the Real Estate as of the date of Seller's execution this Contract.

6. **CONDITION OF IMPROVEMENTS.** Seller agrees that upon delivery of possession of the Real Estate, the improvements constituting part of the Real Estate shall be in the same condition as they are on the date of this Agreement, reasonable wear and tear excepted. Seller shall continue to insure the improvements and will continue to pay all utilities and perform general upkeep and maintenance until the date that it delivers possession of the Real Estate pursuant to the terms of this Agreement.

7. **REAL ESTATE TAXES AND ASSESSMENTS.** Real estate taxes and assessments shall be prorated as of the date of the closing, based upon the amount of the most recent available real estate tax bills.

8. **CLOSING.** Seller shall be responsible for transfer taxes, conveyance fees, and deed preparation. Purchaser shall be responsible for any other closing costs. Closing shall be held at a mutually agreed upon time and location within sixty (60) days from the date of this Agreement. If Closing does not occur within the time frame set forth above, this Agreement shall terminate automatically, unless otherwise mutually agreed by the parties in writing signed by both parties, and the parties shall have no further obligation hereunder.

9. **POSSESSION AFTER CLOSING.** Possession shall be given upon closing.

10. **SITE INVESTIGATION AND CONDITION OF REAL ESTATE.** Seller hereby grants to Purchaser a temporary license to enter onto the Real Estate to conduct such inspections as Purchaser deems appropriate. Purchaser agrees to indemnify Seller from and against any loss or damage incurred or suffered by Seller relating to any activities of Purchaser, its employees or independent contractors, on or about the Real Estate prior to the date of closing hereunder. Prior to the closing, Seller shall not make any material alterations to the Real Estate without the prior written consent of Purchaser.

Seller represents and warrants to Purchaser that as of the closing, the Real Estate shall be free from any and all city, county, state and federal orders affecting the Real Estate. Seller further represents and warrants to Purchaser that Seller has not received notice of any violation of any applicable federal, state or local statute, law, ordinance, order, rule or regulation or of any covenant, condition, restriction or easement affecting the Real Estate. Seller further represents and warrants to Purchaser that, to the best of Seller's knowledge, the Real Estate is free from any and all hazardous substances and wastes, asbestos, underground storage tanks. Seller makes no other representations or warranties concerning the Real Estate.

11. **CONTINGENCIES.** This Contract is subject to the following contingencies:

- a. Contingent upon approval by Purchaser's Board of Directors within forty-five (45) days.
- b. Contingent upon the Purchaser being able to obtain sufficient suitable financing within forty-five (45) business days to the Purchaser's complete

satisfaction as determined in the Purchaser's sole and absolute discretion. Such financing must include at least partial financing by the Ohio Department of Mental Health and Addiction Services ("OHMHAS"),

- c. Contingent upon review and acceptance of the deed and zoning restrictions, covenants and easements, as determined in Purchaser's sole and absolute discretion.
- d. Contingent upon review, acceptance and confirmation of all land development surveys or studies, survey maps, deed restrictions and plats to the Purchaser's complete satisfaction as determined in the Purchaser's sole and absolute discretion.
- e. Contingent upon Purchaser's inspection and review of the Real Estate and all inspections requested by the Purchaser to the Purchaser's complete satisfaction as determined in the Purchaser's sole and absolute discretion.
- f. Contingent upon two (2) appraisals of the property showing the property has sufficient value to support suitable financing, as determined in the Purchaser's sole and absolute discretion.
- g. Contingent upon the ability of Purchaser to enter into an enforceable agreement with current lessee of the Property to purchase any interest Lessee may have in the Property at or prior to Closing, the sufficiency of such contract to be determined in the Purchaser's sole and absolute discretion.

If any of the above contingencies are not agreeable to the Purchaser, Purchaser shall notify the Seller within thirty (30) business days and shall have sole and absolute discretion to terminate this Real Estate Purchase Contract

12. **EMINENT DOMAIN.** If, prior to the closing, any proceeding shall be threatened, commenced or consummated for the taking of any part of the Real Estate for public or quasi-public use pursuant to the power of eminent domain, then Seller shall forthwith give notice thereof (the "Condemnation Notice") to Purchaser. The Condemnation Notice shall, if possible, be accompanied by a sketch of the portion of the Real Estate which will be affected by such taking, and a metes and bounds description delineating the area to be affected. If any such taking, contemplated taking or threatened taking, shall occur or be commenced, then Purchaser shall have the option to terminate this Agreement upon written notice to Seller given not later than ten (10) days after receipt of the Condemnation Notice or go forward and take an assignment of Seller's condemnation award.

13. **PURCHASER'S DEFAULT.** In the event this transaction fails to close in accordance with the terms of this Agreement, Seller's sole remedy shall be to retain any monies paid to Seller by Purchaser as full and complete liquidated damages and neither party shall be under any further obligation hereunder.

14. **ASSIGNMENT.** This Agreement may not be assigned by Purchaser without the written consent of Seller. Notwithstanding the above, Purchaser shall have the right, without the

consent of Seller, to assign this Agreement to a partnership or limited liability company in which Purchaser is one of the general partners or members, as the case may be. In the event of an assignment of this Agreement by Purchaser, Purchaser shall not be released from any of its obligations under this Agreement.

15. **NOTICES.** All notices required to be given under the terms of this Agreement shall be in writing and shall be given in person or by certified mail to the appropriate party at the address set forth above.

16. **INVALID PROVISIONS.** In the event that any one or more of the provisions contained in this Agreement are held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had not been contained herein.

17. **BROKER.** The parties do mutually represent to each other that no brokerage commission shall be due upon the execution of this Agreement or the transfer of all or any part of the Real Estate. The parties agree to hold each other harmless and indemnify each other as a result of a claim for a real estate commission asserted by any other broker as a result of any dealings with either party hereto.

18. **FORCE MAJEURE.** Neither party shall be liable for nonperformance or delay in performance due to any act of God; regulation or law of any government; riot; civil commotion; destruction of the subject Real Estate by fire, earthquake or storm; strike; labor disturbances; or the failure of any public utilities or common carriers.

19. **MISCELLANEOUS PROVISIONS.** The foregoing Agreement contains the entire understanding between Seller and Purchaser relative to the subject matter hereof and no oral representations heretofore made by either party to the other shall be binding upon either of them. The representations made herein shall survive the closing and shall not be merged in the closing. This Agreement shall be binding upon and inure to the benefit of the parties, their respective heirs, successors and permitted assigns. The parties do not intend to confer any benefit hereunder on any broker or other person, firm, corporation or association other than the parties hereto. Time is of the essence in this Agreement. This Agreement shall be governed by and construed in accordance with Ohio law, and any action brought to enforce this Agreement shall be brought in Ohio.

20. **COUNTERPARTS.** This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original, but all counterparts put together shall constitute one and the same agreement.

[Remainder of page intentionally left blank. Signature page follows.]

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed effective on the day and year written below by their duly authorized representatives.

PURCHASER:

Talbert Services, by Neil Tilow, Secretary

Date: _____

SELLER:

City of Franklin

By: _____

Its: _____

Date: _____