



🏠 Location: 1 Benjamin Franklin Way  
📅 Date: Monday, August 16, 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 August 2, 2021 Meeting.
5. Approve the Clerk's Journal and Accept the Tapes as the Official Minutes of the August 10, 2021 Meeting.
6. Presentations.
  - A. Citizen Act of Valor Award
7. Reception of Visitors.
8. Public Hearing.
  - A. 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. (Barry Conway)
    - a. Exhibit A
    - b. Exhibit B
  - B. 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 (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 (Ben Yoder)
    - a. Exhibit A

D. ORDINANCE 2021-24 ESTABLISHING A 180-DAY DEVELOPMENT MORATORIUM ON NEW COMMERCIAL DEVELOPMENT WITHIN THE DOWNTOWN REVITALIZATION AREA (Ben Yoder)  
a. Exhibit A

E. ORDINANCE 2021-25 AMENDING ORDINANCE 2021-17 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)  
a. Exhibit A

**9. New Business.**

A. RESOLUTION 2021-59 AUTHORIZING SUBMISSION OF APPLICATIONS TO THE OHIO DEPARTMENT OF DEVELOPMENT FOR WATER AND WASTEWATER GRANTS FOR VARIOUS IMPROVEMENT PROJECTS WITHIN THE CITY AND EXECUTION OF ANY NECESSARY DOCUMENTS. (Barry Conway)

B. RESOLUTION 2021-60 AUTHORIZING SUBMISSION OF APPLICATIONS TO THE OHIO DEPARTMENT OF DEVELOPMENT FOR WATER AND WASTEWATER GRANTS FOR IMPROVEMENT PROJECTS ON SOUTH MAIN STREET WITHIN THE DOWNTOWN AND EXECUTION OF ANY NECESSARY DOCUMENTS. (Barry Conway)

C. RESOLUTION 2021-61 AUTHORIZING SUBMISSION OF APPLICATIONS TO THE OHIO DEPARTMENT OF DEVELOPMENT FOR WATER AND WASTEWATER GRANTS FOR AN EXTENSION OF THE WATER AND SANITARY SEWER ON SHOTWELL DRIVE AND EXECUTION OF ANY NECESSARY DOCUMENTS (Barry Conway)

**10. Introduction of New Legislation.**

**11. City Manager's Report.**

**12. Council Comments.**

**13. Adjournment.**



🏠 Location: 1 Benjamin Franklin Way  
📅 Date: Monday, August 2, 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, August 2, 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, August 2, 2021 to order at 6:01 PM.

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

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

Mr. Aldridge was excused for a business commitment. Mr. Conway, Ms. Dunn, Mr. Inman, Ms. Ryan, Ms. Steed, Mr. Westendorf and Mr. Yoder were also present. There was one guest 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 July 19, 2021 Meeting.** The Mayor asked if there were any amendments to the Clerk's Journal. Mr. Westendorf asked that in Section 10, City Manager's Report, the amount of the grant awarded to HOPE from Hospice of Dayton be corrected to \$2,500 from \$250. Vice Mayor Hall made the motion to approve the Clerk's Journal with the proposed amendment and accept the tapes as the Official Minutes of the July 19, 2021, general meeting; seconded by Mr. Ruppert. The vote:

MR. DENNY CENTERS	yes
MR. PAUL RUPPERT	yes
VICE MAYOR TODD HALL	yes
MAYOR BRENT CENTERS	yes

MR. MICHAEL ALDRIDGE	absent
MRS. DEBBIE FOUTS	yes
MR. MATT WILCHER	yes

Motion passed.

5. **Presentations.** There were no presentations.

6. **Reception of Visitors.** The Mayor opened and closed the Reception of Visitors at 6:03 PM as none asked to be heard.

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

This is the last step Council must act upon to implement the annual street lighting assessments for 2021. \$170,000 is the total project cost for 2022. The City funds 2% of the total, or \$3,400.

The Mayor opened and closed the Public Hearing at 6:04 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 2021-18** as submitted; seconded by Mr. Wilcher. The vote:

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

Motion passed.

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

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.

The Mayor opened and closed the Public Hearing at 6:06 PM as none asked to be heard.

The Mayor opened the floor for Council deliberation. He asked if there were any questions or comments. Hearing none, he called for a motion. Mr. Wilcher made the motion to adopt **ORDINANCE 2021-19** as submitted; seconded by Vice Mayor Hall. The vote:

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

Motion passed.

## 8. New Business.

### A. RESOLUTION-21-53 AWARDED THE BID AND AUTHORIZING EXECUTION OF THE CONTRACT WITH KELCHNER INC. FOR THE 2021 DIAL PARK PHASE 1 IMPROVEMENT PROJECT (Barry Conway)

On July 28, 2021, the City opened bids for this project. The Engineer's estimated cost for this Project was \$600,000. The City budgeted the cost of this Project in the Recreation Fund and F.C. Dial Trust Fund. Staff recommends that we accept the bid in the amount of \$478,880.00 from Kelchner Inc. as the lowest and best bid.

The Mayor opened the floor for Council deliberation. He asked if there were any questions or comments. Hearing none, he called for a motion. Mr. Ruppert made the motion to adopt **RESOLUTION 2021-53** as submitted; seconded by Vice Mayor Hall. The vote:

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

Motion passed.

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

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. Previously, Law Director Ms. Dinkler filled this role. Mr. Yoder recommended that Ms. Dunn be appointed as her replacement.

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 **RESOLUTION 2021-54** as submitted; seconded by Mrs. Fouts. The vote:

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

Motion passed.

#### 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)

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

The Mayor opened the floor for Council deliberation. He asked if there were any questions or comments. Mr. D. Centers asked why the cost had dropped. Mr. Inman believes it was due to the mild winter. The Mayor asked how much was needed to fill our reserves. Mr. Inman answered 500 tons. The Mayor called for a motion. Mr. Ruppert made the motion to adopt **RESOLUTION 2021-55** as submitted; seconded by Vice Mayor Hall. The vote:

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

Motion passed.

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

To accurately represent the requirements and duties, Property Room and Evidence Manger 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.

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 RESOLUTION 2021-56 as submitted; seconded by Mr. Wilcher. The vote:

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

Motion passed.

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)

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).

The Mayor opened the floor for Council deliberation. He asked if there were any questions or comments. Hearing none, he called for a motion. Mrs. Fouts made the motion to adopt RESOLUTION 2021-57 as submitted; seconded by Vice Mayor Hall. The vote:

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

Motion passed.

## 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.

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

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

**10. New Business.** The Mayor introduced two Ordinances that were not on the agenda.

A. ORDINANCE 2021-23 - ESTABLISHING AN IMMEDIATE DEVELOPMENT MORATORIUM ON NEW COMMERCIAL DEVELOPMENT WITHIN THE DOWNTOWN REVITALIZATION AREA AND DECLARING AN EMERGENCY

This emergency Ordinance establishes an immediate moratorium, from August 2, 2021 through September 5, 2021, on the acceptance of applications for major subdivisions, major site plans, planned unit developments, and Zoning Map amendments for new commercial developments within the Downtown Revitalization Area. This Ordinance does not apply to applications for minor subdivisions, minor site plans, conditional uses, or variances involving existing commercial developments or to those persons holding vested interests in such commercial developments. Immediately following passage of this emergency Ordinance, Ordinance, non-emergency Ordinance 2021-24 is being introduced, which shall extend the moratorium an additional 180-days, from its effective date, i.e., September 5, 2021, through March 4, 2022.

The Mayor opened the floor for Council deliberation. He said that with all of the work going into downtown and the various studies in progress, this is the responsible decision. Mr. Wilcher agreed. The Mayor called for a motion. Vice Mayor Hall made the motion to adopt **ORDINANCE 2021-23** as submitted; seconded by Mr. Ruppert. The vote:

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

Motion passed.



B. ORDINANCE 2021-24 ESTABLISHING A 180-DAY DEVELOPMENT MORATORIUM ON NEW COMMERCIAL DEVELOPMENT WITHIN THE DOWNTOWN REVITALIZATION AREA

**11. City Manager's Report.** Mr. Westendorf reported that a Wounded Warrior parade will route through Franklin on Saturday, August 7, 2021. He will share more details when available.

Mr. Westendorf had received complaints regarding JD Legends, with an excess occurring over the previous weekend. He had a meeting scheduled with their management team in the coming week. Vice Mayor Hall commented that the City's fine system can help mitigate the problem. He was very disappointed in the noise and profanity that occurred over the weekend. Mr. D. Centers and Mrs. Fouts also spoke to the nuisance. The Mayor added that warnings have been given over noise several times, but the profanity cannot be tolerated.

The new bridge discussed at the previous meeting is not owned by Franklin or Carlisle. He will pass along the concerns about the need for lighting and cleanup.

The residents on Cedar Street had been given until that evening to clean up. If clean up was not complete, they will be cited. Any further complaints will result in citation.

The Public Works Department cleared alleys on the west side, specifically Abney Lane.

Several employment opportunities were posted, with the Parks position closing on August 6.

National Night Out was scheduled for Tuesday, August 3 and Downtown Saturday Nite on Saturday, August 14.

**12. Council Comments.**

Mr. Wilcher had no comments.

Mrs. Fouts had no comments.

Mr. D. Centers thanked Mr. Westendorf for his follow up on any issue that Council brings to him.

Mr. Ruppert thanked Mr. Westendorf for the update on Cedar Street. He asked that weeds be checked in the area of Highland for code violations. Mr. Westendorf will pass the information along to Mr. Lovelace.

Vice Mayor Hall reported that an illegal garage sale is happening again at an abandoned gas station. Mr. Westendorf will investigate.

The Mayor explained that when there is a zoning violation, there is also an appeals process for any violations that are disputed. There is a resident who is very vocal on social media about a zoning violation so he wanted to issue a reminder about the proper appeals process.

The Franklin Area Chamber of Commerce golf outing was held that day. The City was a sponsor.

**13. Executive Session.** The Mayor called for a motion to enter into 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). Mr. Ruppert made the motion to enter into executive session; seconded by Mrs. Fouts The vote:

VICE MAYOR TODD HALL	no
MAYOR BRENT CENTERS	yes
MR. MICHAEL ALDRIDGE	absent
MRS. DEBBIE FOUTS	yes
MR. MATT WILCHER	yes
MR. DENNY CENTERS	yes
MR. PAUL RUPPERT	yes

Motion passed.

Council entered into executive session at approximately 6:33 PM.

Vice Mayor Hall made the motion to exit out of executive session, seconded by Mr. Wilcher. The vote:

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

Motion passed.

Council adjourned out of executive session at approximately 7:52 PM.

**14. Adjournment.** The Mayor called for a motion to adjourn the meeting. Vice Mayor Hall made the motion; seconded by Mrs. Fouts. The vote:

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

Motion passed.

The Mayor adjourned the meeting at 7:53 PM.

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Brent Centers, Mayor

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Khristi Dunn, Clerk of Council



🏠 Location: 1 Benjamin Franklin Way  
📅 Date: Tuesday, August 10, 2021  
🕒 Time: 5:00 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 emergency session on Tuesday, August 10, 2021, 5:00 PM at 1 Benjamin Franklin Way, Franklin, Ohio 45005.

1. **Call to Order.** Mayor Brent Centers called the emergency meeting of the Franklin City Council on Tuesday, August 10, 2021 to order at 5:01 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 unable to attend the emergency meeting. Ms. Dunn and Mr. Westendorf were also present.

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

4. **New Business.**

A. RESOLUTION 2021-58 ACCEPTING THE MATERIAL TERMS OF THE ONE OHIO POLITICAL SUBDIVISION SETTLEMENT ON BEHALF OF THE CITY OF FRANKLIN AND IN ACCORDANCE WITH THE ONE OHIO MEMORANDUM OF UNDERSTANDING AND THE TERMS OF THE JULY 21, 2021 NATIONAL OPIOID SETTLEMENT AGREEMENT

Corporations involved in the marketing, manufacturing, and distribution of various medications containing Opioids (in various forms) have faced a variety of lawsuits across the country. The state of Ohio has led the way proposing an equitable manner in which these claims can be settled on behalf of the state's political jurisdictions.

This resolution authorizes the City Manager to formally join the settlement class so that we have a claim in any financial award that may be granted as a result of the class action. At this point, there is no guarantee the city will receive any award of the 95% of the state's jurisdictions must opt into the proposed settlement with AmerisourceBergen, Cardinal Health and McKesson. Further, the terms of the settlement action prescribe that proceeds from the settlement would be paid over an 18-year period. Any funds received must be used for approved local opioid/addiction "abatement activities". Locally, Project HOPE would benefit directly from these funds. Additionally, there is a regional component to the settlement that would also benefit the city through the funding of a foundation to address the ongoing issue of addiction. However, those programs have not yet been established.

Franklin's share of the total settlement funds are 0.0535%, which could result in a direct payment to the city in the amount between \$75,4383.82 (70%) to \$107,769.74 (100%) depending on the number of participations who opt into the settlement class within the prescribed timeframe.

The Mayor opened the floor for Council deliberation. He asked if there were any questions or comments. Mr. D. Centers asked what would occur should not enough participants opt in? Mr. Westendorf believes the Attorney General would try to pursue the class action suit again. The companies are trying to prevent independent suits so that enough funds are available.

Mr. Aldridge asked for some background on the misfeasance, nonfeasance and malfeasance that occurred. Mr. Westendorf gave information based on personal research. A small study based on 6 individuals was used to market opioids and reported that opioids were not addictive. Once an issue was found and the board of pharmacy started limiting the opioid prescriptions, those who were addicted turned to illicit alternatives. The communities have dealt with the ramifications of this through Police, Fire & EMS calls, in addition to other consequences.

The Mayor asked if there any further questions. Hearing none, he called for a motion. Vice Mayor Hall made the motion to adopt **RESOLUTION 2021-58** as submitted; seconded by Mr. Ruppert. 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. **Adjournment.** The Mayor called for a motion to adjourn the meeting. Mr. D. Centers made the motion; seconded by Mr. Aldridge. The Mayor called for a voice vote and by voice vote the motion passed 6-0.

The Mayor adjourned the meeting at 5:10 PM.

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Brent Centers, Mayor

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Khristi Dunn, Clerk of Council

# 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 1<sup>st</sup> 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
<b>1. BUSINESS REGULATIONS – PART SEVEN, FRANKLIN CODIFIED ORDINANCE</b>	
<u>Carnivals &amp; 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 &amp; 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. 4<sup>th</sup> 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: \_\_\_\_\_

# Legislative Cover Memo

**Introduction:** August 2, 2021  
**Public Hearing:** August 16, 2021  
**Effective Date:** September 5, 2021

**Agenda Item:** **Ordinance 2021-24**  
ESTABLISHING A 180-DAY DEVELOPMENT MORATORIUM ON  
NEW COMMERCIAL DEVELOPMENT WITHIN THE DOWNTOWN  
REVITALIZATION AREA

**Submitted by:** Ben Yoder, Law Director

**Scope/Description:** This Ordinance is a follow-up to emergency Ordinance No 2021-23. This Ordinance establishes a 180-day moratorium, from September 5, 2021 through March 4, 2022, on the acceptance of applications for major subdivisions, major site plans, planned unit developments, and Zoning Map amendments for new commercial developments within the Downtown Revitalization Area. Like emergency Ordinance No. 2021-23, this Ordinance does not apply to applications for minor subdivisions, minor site plans, conditional uses, or variances involving existing commercial developments or to those persons holding vested interests in such commercial developments.

**Exhibits:** Exhibit A: Downtown Revitalization Area Map

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

**Recommendation:** Approval.



CITY OF FRANKLIN, OHIO  
ORDINANCE 2021-24

**ESTABLISHING A 180-DAY DEVELOPMENT MORATORIUM ON NEW COMMERCIAL DEVELOPMENT  
WITHIN THE DOWNTOWN REVITALIZATION AREA**

WHEREAS, Ohio Revised Code Chapter 713 authorizes the City of Franklin, Ohio, in order to promote the public health, safety, convenience, comfort, prosperity, or general welfare, to regulate the zoning and land use of real property located within its territorial boundaries;

WHEREAS, in conformance with, and furtherance of Ohio Revised Code Chapter 713, Franklin City Council adopted the City's Comprehensive Plan, Unified Development Code ("UDO"), and Zoning Map;

WHEREAS, since adoption of the City's Comprehensive Plan, UDO, and Zoning Map, Franklin City Schools approved plans to build a new \$33 million high school on the current Junior High School site, with construction set to begin in Fall of 2021;

WHEREAS, on account of construction of the new high school and other development opportunities in the surrounding area, City Council, in April of 2021, commissioned a Downtown Revitalization Study to evaluate potential public roadway, building façade, and land use improvements that may be warranted in the areas described in the attached Exhibit A (the "Downtown Revitalization Area"); and

WHEREAS, given the importance of the Downtown Revitalization Area to the City's future public convenience, comfort, prosperity and general welfare, immediately before the introduction of this Ordinance on August 2, 2021, City Council found it necessary to pass emergency Ordinance 2021-23 placing an immediate moratorium on new commercial development in the Downtown Revitalization Area until such time as the City can properly study and potentially adopt amendments to the Comprehensive Plan, UDO, and Zoning Map;

WHEREAS, emergency Ordinance 2021-23 expires on September 5, 2021, however, City Council and staff anticipate needing additional time to properly study and potentially adopt amendments to the Comprehensive Plan, UDO, and Zoning Map;

NOW THEREFORE BE IT ORDAINED, by the Franklin City Council, that a 180-day moratorium on new commercial development in the Downtown Revitalization Area (the "Downtown Revitalization Area Moratorium" or "Moratorium") is hereby enacted as follows:

Section 1. The Downtown Revitalization Area Moratorium shall be in effect from September 5, 2021 through March 4, 2022 (the "Moratorium Period").

Section 2. During the Moratorium Period, City staff shall be prohibited from accepting applications for major subdivisions, major site plans, planned unit developments, and Zoning Map amendments for new commercial developments within the Downtown Revitalization Area.

Section 3. This Moratorium shall not apply to applications for minor subdivisions, minor site plans, conditional uses, or variances involving existing commercial developments in the Downtown Revitalization Area.

Section 4. This Moratorium shall also not apply to those persons having a vested interest in new commercial development with the Downtown Revitalization Area, with “vested interest” defined to mean an approved or pending application for a major subdivision, major site plan, planned unit development, or Zoning Map amendment for new commercial development within the Downtown Revitalization Area.

BE IT FURTHER ORDAINED, 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; and

BE IT FURTHER ORDAINED that this Ordinance shall go into effect on September 5, 2021, i.e., 30 days after its adoption.

INTRODUCED: August 2, 2021

ADOPTED: August 16, 2021

ATTEST: \_\_\_\_\_  
Khristi Dunn, Clerk of Council

APPROVED: \_\_\_\_\_  
Brent Centers, Mayor

#### CERTIFICATE

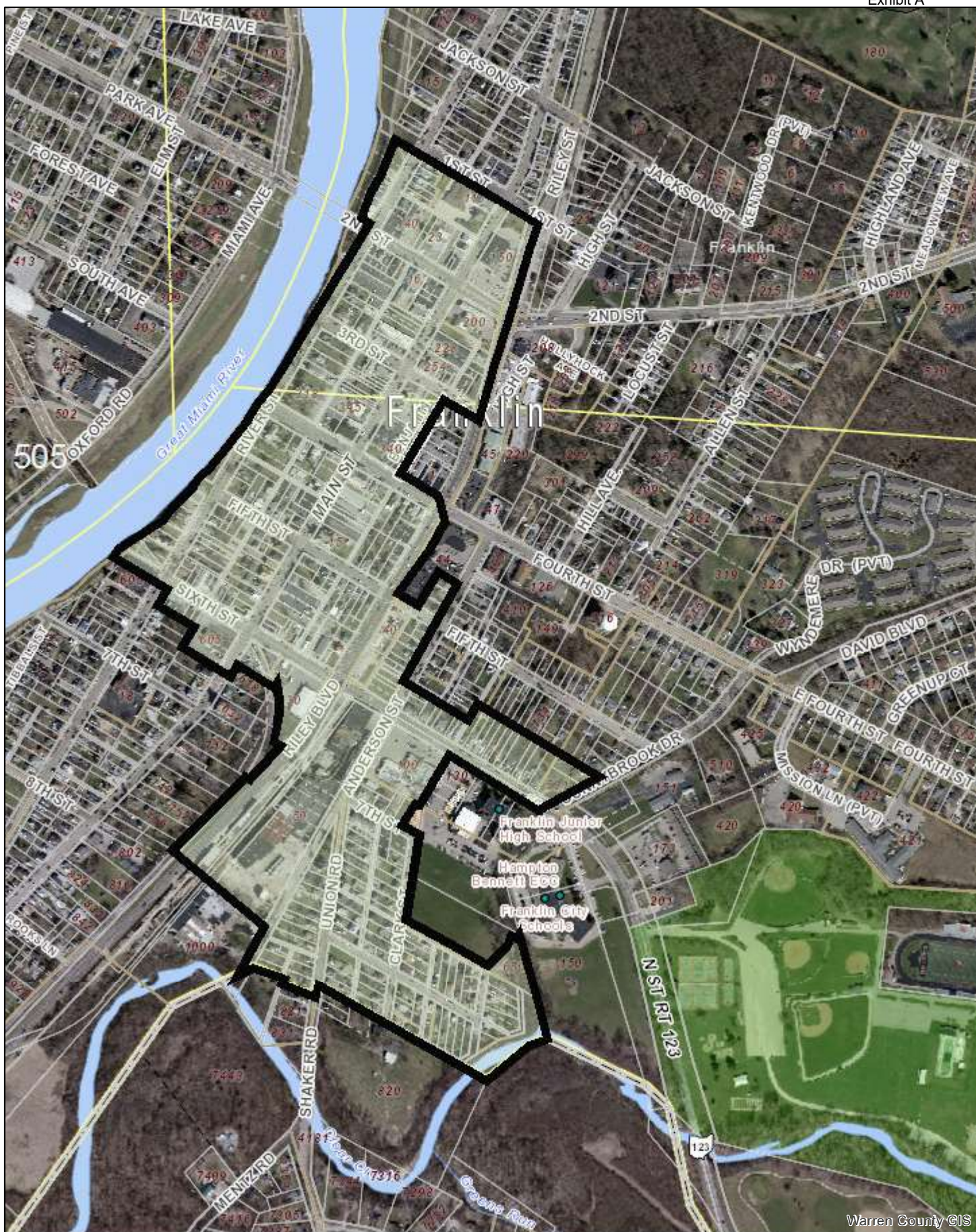
I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of Ordinance 2021-24 passed by that body on August 16, 2021.

\_\_\_\_\_  
Khristi Dunn, Clerk of Council

APPROVED AS TO FORM:

\_\_\_\_\_  
Ben Yoder, Law Director





Date: 7/27/2021

<b>Cadastral Lines</b>	Corporate Line	Parcel Line	Hardware
County Line	County Line	ROW Unknown Width Line	Subdivision Lot Line
<b>Line Type</b>	Farm Lot Line	Road ROW	Township and Range Line
Auditors Tract Line	Overlap Line	School Line	Tract Line
Civil Township Line	Subdivision Unit Line	Section Line	VMS Line
			Vacated Road Line

## Exhibit A

1 inch = 600 feet

The provider makes no warranty or representation with respect to its information, its quality or suitability for a particular purpose. This information is provided AS IS, and the requester assumes the entire risk as to its quality and suitability. The provider will not be liable for direct, indirect, incidental, or consequential damages resulting from any deletion of 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.



# Legislative Cover Memo

**Meeting Date:** August 16, 2021

**Agenda Item:** **Ordinance 2021-25**  
AMENDING ORDINANCE 2021-17 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

**Submitted by:** Cindy Ryan, Finance Director

**Scope/Description:** This ordinance will adjust appropriations to the following funds:

- **Stormwater Replacement Fund** Increase of \$25,000 to Stormwater Utility to account for the emergency repairs of 60 inch head wall on David Blvd.

**Emergency Legislation:** Yes – Necessary to provide for the financial operations of the City through the end of the fiscal year.

**Vote Required for Passage:** Per Section 4.14 of the City Charter, the passage of this Ordinance requires the affirmative vote of at least FOUR (4) members of Council.

**Recommendation:** Staff recommends adoption.

CITY OF FRANKLIN, OHIO  
ORDINANCE 2021-25

**AMENDING ORDINANCE 2021-17 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**

WHEREAS, the Council of the City of Franklin finds it necessary, upon the recommendation of the Finance Committee, the City Manager and the Finance Director, to make certain amendments to the appropriations made by Ordinance 2021-17, passed on July 19, 2021, which provides appropriations for the fiscal year ending December 31, 2021, in order to meet current expenses and to authorize certain other expenditures; and

WHEREAS, Section 4.14 of the City's Charter authorizes emergency appropriations, when such appropriations are made pursuant to an emergency ordinance.

THE CITY OF FRANKLIN HEREBY ORDAINS, at least four (4) members of Council elected thereto concurring, that:

Section 1. This Ordinance is an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City of Franklin, Ohio. The reason for such necessity arises from the need to provide appropriations for current expenses and other expenditures for the fiscal year ending December 31, 2021, to ensure the continued, usual, daily operation of the City Government.

Section 2. To provide for current expenses and other expenditures of the City of Franklin, Ohio, for the fiscal year ending December 31, 2021, the sums contained within the attached Exhibit A, as amended, are hereby appropriated.

Section 3. Existing Ordinance 2021-17 is hereby repealed.

Section 4. The Finance Director is hereby authorized to make payments from any of the appropriations herein made, upon receiving proper claims, certificates and or vouchers approved by the officials, department heads, or their respective designees, authorized by law to approve the same, or upon an ordinance or resolution of Council to make expenditures; provided, however, that no payments for salaries or wages shall be made except to persons employed in accordance with the ordinances of the City of Franklin and/or laws of the State of Ohio.

Section 5. The Finance Director is hereby authorized to adjust appropriations within any Fund or Department, so long as the adjustments made do not exceed the total appropriations authorized within any Fund. In addition, the Finance Director is hereby authorized to establish additional

accounts within any Fund as may from time to time be required to ensure proper accounting or by the State of Ohio.

Section 6. It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Chapter 121 of the Ohio Revised Code, and the Rules of Council.

Section 7. This Ordinance shall take effect immediately upon its adoption and, in accordance with Sections 4.05 and 4.14 of the City's Charter, shall not be automatically repealed.

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 2021-25 passed by that body on August 16, 2021.

APPROVED AS TO FORM:

\_\_\_\_\_  
Khristi Dunn, Clerk of Council

\_\_\_\_\_  
Ben Yoder, Law Director

<u>FUND</u>	<u>ACTIVITY</u>	<u>PERSONAL SERVICES</u>	<u>OTHER</u>	<u>TOTAL</u>
<b>100</b>	<b><u>GENERAL FUND</u></b>			
	<u>Public Safety</u>			
	Police Division	\$3,887,600	\$684,200	\$4,571,800
	Reserve Police	\$4,300	\$3,375	\$7,675
	Total	\$3,891,900	\$687,575	\$4,579,475
	<u>General Government</u>			
	Economic Development	\$0	\$53,000	\$53,000
	Clerk & Council	\$177,220	\$95,320	\$272,540
	Municipal Court	\$740,350	\$245,405	\$985,755
	Probation Division	\$269,700	\$14,050	\$283,750
	City Manager	\$361,610	\$26,050	\$387,660
	Finance Department	\$361,820	\$101,650	\$463,470
	Income Tax Division	\$196,400	\$300,222	\$496,622
	Law Department	\$37,770	\$390,130	\$427,900
	Civil Service Commission	\$0	\$30,000	\$30,000
	Planning Commission	\$0	\$9,200	\$9,200
	Building & Grounds	\$63,600	\$162,530	\$226,130
	Other Government	\$0	\$310,000	\$310,000
	Building Division	\$193,980	\$115,855	\$309,835
	Total	\$2,402,450	\$1,853,412	\$4,255,862
	<u>Transfers</u>			
	Transfers & Advances	\$0	\$4,653,611	\$4,653,611
	Total	\$0	\$4,653,611	\$4,653,611
	<b>TOTAL GENERAL FUND</b>	<b>\$6,294,350</b>	<b>\$7,194,598</b>	<b>\$13,488,948</b>
<b>200</b>	<b><u>STREET FUND</u></b>			
	Street Constr, Maint, & Repair	\$699,500	\$1,206,818	\$1,906,318
	Total	\$699,500	\$1,206,818	\$1,906,318
<b>210</b>	<b><u>STATE HIGHWAY FUND</u></b>			
	Street Constr, Maint, & Repair	\$0	\$62,000	\$62,000
	Total	\$0	\$62,000	\$62,000
<b>212</b>	<b><u>FIRE &amp; EMS LEVY FUND</u></b>			
	Fire & EMS Division (Includes Grant)	\$1,905,550	\$615,800	\$2,521,350
	Volunteer Firefighters	\$767,000	\$1,800	\$768,800
	Transfers & Advances	\$0	\$683,000	\$683,000
	Total	\$2,672,550	\$1,300,600	\$3,973,150
<b>215</b>	<b><u>ISSUE TWO FUND</u></b>			
	Street Constr, Maint, & Repair	\$0	\$150,000	\$150,000
	Transfers & Advances	\$0	\$500,000	\$500,000
	Total	\$0	\$650,000	\$650,000
<b>219</b>	<b><u>E 9-1-1 WIRELESS FUND</u></b>			
	Police Division	\$95,600	\$11,200	\$106,800
	Total	\$95,600	\$11,200	\$106,800
<b>220</b>	<b><u>JOINT RECREATION FUND</u></b>			
	Swimming Pool	\$124,900	\$150,305	\$275,205
	Transfers & Advances	\$0	\$0	\$0
	Total	\$124,900	\$150,305	\$275,205

<b>225</b>	<b><u>COMPUTER RESEARCH FUND</u></b>			
	Municipal Court	\$0	\$2,400	\$2,400
	Total	\$0	\$2,400	\$2,400
<b>230</b>	<b><u>COURT SPECIAL PROJECTS</u></b>			
	Municipal Court	\$95,760	\$107,000	\$202,760
	Probation Division	\$24,656	\$118,000	\$142,656
	Total	\$120,416	\$225,000	\$345,416
<b>235</b>	<b><u>CLERK'S COMPUTERIZATION</u></b>			
	Municipal Court	\$0	\$90,327	\$90,327
	Total	\$0	\$90,327	\$90,327
<b>238</b>	<b><u>FEMA FUND</u></b>			
	Fire & EMS Division	\$0	\$0	\$0
	Transfers & Advances	\$0	\$443,105	\$443,105
	Total	\$0	\$443,105	\$443,105
<b>239</b>	<b><u>LOCAL CORONAVIRUS RELIEF FUND</u></b>			
	Police Division	\$0	\$0	\$0
	Fire & EMS Division (Includes Volunteers)	\$0	\$0	\$0
	Total	\$0	\$0	\$0
<b>240</b>	<b><u>COUNTY VEHICLE TAX FUND</u></b>			
	Street & Road Repair	\$0	\$0	\$0
	Total	\$0	\$0	\$0
<b>250</b>	<b><u>DRUG LAW ENFORCEMENT</u></b>			
	Police Division	\$0	\$8,000	\$8,000
	Total	\$0	\$8,000	\$8,000
<b>255</b>	<b><u>LAW ENFORCEMENT FUND</u></b>			
	Police Division	\$0	\$45,000	\$45,000
	Total	\$0	\$45,000	\$45,000
<b>260</b>	<b><u>RECREATION FUND</u></b>			
	Parks & Recreation	\$255,090	\$221,300	\$476,390
	Special Events	\$0	\$110,600	\$110,600
	Total	\$255,090	\$331,900	\$586,990
<b>265</b>	<b><u>LAW ENFORCEMENT ASST. FUND</u></b>			
	Police Division	\$0	\$10,000	\$10,000
	Total	\$0	\$10,000	\$10,000
<b>270</b>	<b><u>IDAT FUND</u></b>			
	Health	\$0	\$7,000	\$7,000
	Total	\$0	\$7,000	\$7,000
<b>272</b>	<b><u>IDIAM FUND</u></b>			
	Health	\$0	\$20,250	\$20,250
	Total	\$0	\$20,250	\$20,250
<b>275</b>	<b><u>ENFORCEMENT &amp; EDUCATION</u></b>			
	Health	\$0	\$3,000	\$3,000
	Total	\$0	\$3,000	\$3,000



**277    IN HOUSE MONITORING FUND**

Municipal Court	\$0	\$7,000	\$7,000
Total	\$0	\$7,000	\$7,000

**290    EMPLOYEE BENEFITS RESERVE FUND**

Police Division	\$216,550	\$0	\$216,550
Parks & Recreation	\$41,600	\$0	\$41,600
Sanitary Sewer	\$0	\$0	\$0
Water	\$49,250	\$0	\$49,250
Street Constr, Maint, & Repair	\$0	\$0	\$0
Clerk & Council	\$0	\$0	\$0
Municipal Court	\$8,700	\$0	\$8,700
City Manager	\$39,600	\$0	\$39,600
Finance Department	\$24,350	\$0	\$24,350
Building Division	\$56,800	\$0	\$56,800
Total	\$436,850	\$0	\$436,850

**310    BOND RETIREMENT FUND**

Bond Retirement	\$0	\$561,000	\$561,000
Total	\$0	\$561,000	\$561,000

**320    SPECIAL ASSESSMENT BOND RETIREMENT**

Bond Retirement	\$0	\$45,000	\$45,000
Total	\$0	\$45,000	\$45,000

**400    CAPITAL IMPROVEMENTS FUND**

Police Division	\$0	\$304,500	\$304,500
Fire & EMS Division	\$0	\$0	\$0
Economic Development	\$0	\$0	\$0
Other Government	\$0	\$539,203	\$539,203
Total	\$0	\$843,703	\$843,703

**401    ODOT PROGRAM FUND**

Street Constr, Maint, & Repair	\$0	\$2,318,882	\$2,318,882
Total	\$0	\$2,318,882	\$2,318,882

**403    ECONOMIC DEVELOPMENT & REHABILITATION FUND**

Economic Development	\$0	\$545,000	\$545,000
Total	\$0	\$545,000	\$545,000

**410    TIF FUND**

Other	\$0	\$278,373	\$278,373
Total	\$0	\$278,373	\$278,373

**412    FIRE & EMS REPLACEMENT FUND**

Fire & EMS Division	\$0	\$436,965	\$436,965
Total	\$0	\$436,965	\$436,965

**420    SEWER REPLACEMENT FUND**

Transfers & Advances	\$0	\$343,440	\$343,440
Total	\$0	\$343,440	\$343,440

**430    WATERWORKS REPLACEMENT FUND**

Water	\$0	\$1,075,000	\$1,075,000
Total	\$0	\$1,075,000	\$1,075,000

**440    STORMWATER REPLACEMENT FUND**

Stormwater Utility	\$0	\$25,000	\$0	\$25,000
Total	\$0	\$25,000		\$25,000

<b>520</b>	<b><u>STREET LIGHTING FUND</u></b>			
	Street Lighting	\$0	\$520,000	\$520,000
	Total	\$0	\$520,000	\$520,000
<b>530</b>	<b><u>MIAMI CONSERVANCY DISTRICT</u></b>			
	Flood Control	\$0	\$59,650	\$59,650
	Total	\$0	\$59,650	\$59,650
<b>610</b>	<b><u>WATER FUND</u></b>			
	Water Division (Includes Water Treatment Plant)	\$970,610	\$1,164,230	\$2,134,840
	Bond Retirement	\$0	\$389,750	\$389,750
	Transfers & Advances	\$0	\$1,100,000	\$1,100,000
	Total	\$970,610	\$2,653,980	\$3,624,590
<b>620</b>	<b><u>SEWER FUND</u></b>			
	Sewer Division	\$311,005	\$2,589,320	\$2,900,325
	Transfers & Advances	\$0	\$180,000	\$180,000
	Total	\$311,005	\$2,769,320	\$3,080,325
<b>630</b>	<b><u>TRASH COLLECTION FUND</u></b>			
	Trash Collection	\$57,150	\$861,434	\$918,584
	Total	\$57,150	\$861,434	\$918,584
<b>640</b>	<b><u>STORMWATER UTILITY FUND</u></b>			
	Stormwater Utility	\$311,400	\$320,479	\$631,879
	Other Financing Uses	\$0	\$8,000	\$8,000
	Total	\$311,400	\$328,479	\$639,879
<b>810</b>	<b><u>POLICE PENSION FUND</u></b>			
	Police Division	\$507,911	\$1,000	\$508,911
	Total	\$507,911	\$1,000	\$508,911
<b>820</b>	<b><u>FIRE PENSION FUND</u></b>			
	Fire & EMS Division (Includes Grant)	\$351,400	\$1,000	\$352,400
	Total	\$351,400	\$1,000	\$352,400
<b>825</b>	<b><u>F.C. DIAL TRUST FUND</u></b>			
	Parks & Recreation	\$0	\$550,000	\$550,000
	Total	\$0	\$550,000	\$550,000
<b>835</b>	<b><u>UNCLAIMED MONIES FUND</u></b>			
	Unclaimed Funds	\$0	\$1,000	\$1,000
	Transfers & Advances	\$0	\$10,500	\$10,500
	Total	\$0	\$11,500	\$11,500
<b>840</b>	<b><u>INSURANCE RESERVE FUND</u></b>			
	Insurance Demolition	\$0	\$20,000	\$20,000
	Total	\$0	\$20,000	\$20,000
<b>845</b>	<b><u>BUILDING STANDARDS FUND</u></b>			
	Building Division	\$0	\$3,000	\$3,000
	Total	\$0	\$3,000	\$3,000
	<b>TOTAL BUDGET</b>	<b>\$13,208,732</b>	<b>\$26,020,229</b>	<b>\$39,228,961</b>

# Legislative Cover Memo



**Meeting Date:** August 16, 2021

**Agenda Item:** **Resolution 2021-59**  
AUTHORIZING SUBMISSION OF APPLICATIONS TO THE OHIO DEPARTMENT OF DEVELOPMENT FOR WATER AND WASTEWATER GRANTS FOR VARIOUS IMPROVEMENT PROJECTS WITHIN THE CITY AND EXECUTION OF ANY NECESSARY DOCUMENTS.

**Submitted by:** Barry Conway, City Engineer

**Scope/Description:** This Resolution authorizes the City Manager to apply for Ohio Department of Development Water and Wastewater Infrastructure Grants on behalf of the City for the following public improvement projects:

Third Street Standpipe Replacement Project  
Millard Drive Water Main Replacement Project  
Bryant Avenue Water Main Replacement Project

**Budget Impact:** Estimated Total Project cost: \$3,200,000  
Estimated City's portion: \$1,600,000

The City has previously submitted a request for a Water Supply Revolving Loan Account (WSRLA) loan through the OEPA Drinking Water Assistance Fund for \$3,000,000. If this ODOD Grant is awarded, the City would lower the request from WSRLA. The City's portion would be paid out of the Waterworks Replacement Funds.

**Exhibits:** N/A

**Recommendation:** Staff recommends approval

CITY OF FRANKLIN, OHIO  
RESOLUTION 2021-59

**AUTHORIZING SUBMISSION OF APPLICATIONS TO THE OHIO DEPARTMENT OF DEVELOPMENT FOR WATER AND  
WASTEWATER GRANTS FOR VARIOUS IMPROVEMENT PROJECTS WITHIN THE CITY AND EXECUTION OF ANY  
NECESSARY DOCUMENTS**

WHEREAS, the Ohio Department of Development, in Partnership with the Ohio Environmental Protection Agency has provided nearly \$250,000,000 for Water and Wastewater Infrastructure Grants in Ohio;

WHEREAS, the Program is to help Ohio communities make necessary investments in water and wastewater infrastructure;

WHEREAS, the City received notice from various sources concerning funding and project proposals; and

WHEREAS, the City has identified infrastructure needs which are eligible under the Program;

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 apply for the Water and Wastewater Infrastructure Grants through the Ohio Department of Development on behalf of the City for various public improvement projects and to execute all necessary documents related to said request and Program activities.

Section 2. The City hereby commits to fund any public improvement project costs that exceed the grants awarded.

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

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

ADOPTED: 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 a resolution passed by that body on August 16, 2021.

\_\_\_\_\_  
Khristi Dunn, Clerk of Council

# Legislative Cover Memo

<b>Meeting Date:</b>	August 16, 2021
<b>Agenda Item:</b>	<b>Resolution 2021-60</b> AUTHORIZING SUBMISSION OF APPLICATIONS TO THE OHIO DEPARTMENT OF DEVELOPMENT FOR WATER AND WASTEWATER GRANTS FOR IMPROVEMENT PROJECTS ON SOUTH MAIN STREET WITHIN THE DOWNTOWN AND EXECUTION OF ANY NECESSARY DOCUMENTS.
<b>Submitted by:</b>	Barry Conway, City Engineer
<b>Scope/Description:</b>	<p>This Resolution authorizes the City Manager to apply for Ohio Department of Development Water and Wastewater Infrastructure Grants on behalf of the City for the following public improvement projects:</p> <p>South Main Street Water Main Replacement Project South Main Street Sanitary Sewer Lining Project</p>
<b>Budget Impact:</b>	<p>Estimated Total Project cost: \$700,000 Estimated City's portion: \$350,000</p> <p>The City's portion would be paid out of the Waterworks and Sewer Replacement Funds.</p>
<b>Exhibits:</b>	N/A
<b>Recommendation:</b>	Staff recommends approval

CITY OF FRANKLIN, OHIO  
RESOLUTION 2021-60

**AUTHORIZING SUBMISSION OF APPLICATIONS TO THE OHIO DEPARTMENT OF DEVELOPMENT FOR WATER AND WASTEWATER GRANTS FOR IMPROVEMENT PROJECTS ON SOUTH MAIN STREET WITHIN THE DOWNTOWN AND EXECUTION OF ANY NECESSARY DOCUMENTS.**

WHEREAS, the Ohio Department of Development, in Partnership with the Ohio Environmental Protection Agency has provided nearly \$250,000,000 for Water and Wastewater Infrastructure Grants in Ohio;

WHEREAS, the Program is to help Ohio communities make necessary investments in water and wastewater infrastructure;

WHEREAS, the City received notice from various sources concerning funding and project proposals; and

WHEREAS, the City has identified infrastructure needs which are eligible under the Program.

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 apply for the Water and Wastewater Infrastructure Grants through the Ohio Department of Development on behalf of the City for certain public improvement projects on South Main Street in the downtown area and to execute all necessary documents related to said request and Program activities.

Section 2. The City hereby commits to fund any public improvement project costs that exceed the grants awarded.

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

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

ADOPTED: 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 a resolution passed by that body on August 16, 2021.

\_\_\_\_\_  
Khristi Dunn, Clerk of Council

# Legislative Cover Memo

**Meeting Date:** August 16, 2021

**Agenda Item:** **Resolution 2021-61**  
AUTHORIZING SUBMISSION OF APPLICATIONS TO THE OHIO DEPARTMENT OF DEVELOPMENT FOR WATER AND WASTEWATER GRANTS FOR AN EXTENSION OF THE WATER AND SANITARY SEWER ON SHOTWELL DRIVE AND EXECUTION OF ANY NECESSARY DOCUMENTS.

**Submitted by:** Barry Conway, City Engineer

**Scope/Description:** This Resolution authorizes the City Manager to apply for Ohio Department of Development Water and Wastewater Infrastructure Grants on behalf of the City for the following public improvement project:

Shotwell Drive Water and Sanitary Sewer Extension Project

**Budget Impact:** Estimated Total Project cost: \$1,300,000  
Estimated City's portion: \$650,000

The City's portion would be paid out of the Water and Sewer Funds.

**Exhibits:** N/A

**Recommendation:** Staff recommends approval

CITY OF FRANKLIN, OHIO  
RESOLUTION 2021-61

**AUTHORIZING SUBMISSION OF APPLICATIONS TO THE OHIO DEPARTMENT OF DEVELOPMENT FOR WATER AND WASTEWATER GRANTS FOR AN EXTENSION OF THE WATER AND SANITARY SEWER ON SHOTWELL DRIVE AND EXECUTION OF ANY NECESSARY DOCUMENTS.**

WHEREAS, the Ohio Department of Development, in Partnership with the Ohio Environmental Protection Agency has provided nearly \$250,000,000 for Water and Wastewater Infrastructure Grants in Ohio;

WHEREAS, the Program is to help Ohio communities make necessary investments in water and wastewater infrastructure;

WHEREAS, the City received notice from various sources concerning funding and project proposals; and

WHEREAS, the City has identified infrastructure needs which are eligible under the Program.

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 apply for the Water and Wastewater Infrastructure Grants through the Ohio Department of Development on behalf of the City for the extension of the water and sanitary sewer on Shotwell Drive and to execute all necessary documents related to said request and Program activities.

Section 2. The City hereby commits to fund any public improvement project costs that exceed the grants awarded.

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

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

ADOPTED: 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 a resolution passed by that body on August 16, 2021.

\_\_\_\_\_  
Khristi Dunn, Clerk of Council