



🏠 Location: 1 Benjamin Franklin Way  
📅 Date: Monday, November 1, 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 October 4, 2021 Meeting.
5. Presentations.
  - A. Fire & EMS Chief Andy Riddiough Ceremonial Swearing In (Mayor Centers)
  - B. Committee Reports
6. Reception of Visitors.
7. Public Hearing.
8. New Business.
9. Introduction of New Legislation.
  - A. ORDINANCE 2021-27 EXTENDING THE MORATORIUM ON THE ESTABLISHMENT OR COMMENCEMENT OF MEDICAL MARIJUANA CULTIVATORS, PROCESSORS AND/OR RETAIL DISPENSARIES WITHIN THE CITY OF FRANKLIN FOR AN ADDITIONAL 180 DAYS (Jonathan Westendorf)
10. City Manager's Report.
11. Council Comments.
12. Executive Session – To consider the appointment of a public employee 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.



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## 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**  
**Adam Colon, 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, October 4, 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, October 4, 2021 to order at 6:00 PM.

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

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

Mr. Conway, Ms. Dunn, Mr. Inman, Ms. Steed, Mr. Westendorf, Mr. Yoder, Chief Colon, Lt. Pacifico, Lt Williams and newly appointed Chief of Fire & EMS Andy Riddiough were in attendance. There were 14 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 September 20, 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 September 20, 2021, general meeting; seconded by Mr. Aldridge. The vote:

MR. MICHAEL ALDRIDGE	yes
MRS. DEBBIE FOUTS	yes
MR. MATT WILCHER	yes
MR. DENNY CENTERS	yes



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

Motion passed.

**5. Presentations.**

**A. Police Chief Adam Colon Ceremonial Swearing In.** Mayor Centers swore in Adam Colon as the newly appointed Chief of Police. Chief Colon is looking forward to serving the community.

**B. Mental Health Recovery Board Levy.** Jeff Rhein of the MHRBWCC asked for Council’s endorsement for the renewal of the upcoming levy. Approximately 1,500 people are served by the board each year. These are citizens who do not have access to other means of mental health services. They have been working with the Franklin Police Department in crisis situations. The Mayor called for a motion. Vice Mayor Hall made the motion to endorse the Mental Healthy Recovery Board levy, seconded by Mr. Ruppert. The vote:

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

Motion passed.

**C. CARES Award - Lt. Katie Williams.** Lt. Katherine Williams was selected as a recipient of the 2021 CARES Awards by the Ohio Association of County Behavioral Health Authorities as a first responder who goes above and beyond in helping individuals, families, and their communities deal with the adverse effects of Ohio’s opiate epidemic. Lt. Williams was nominated by the Mental Health Recovery Board Serving Warren and Clinton Counties.

**D. Committee Reports.** Mr. Wilcher gave a recap of the September 16, 2021 Public Works & Utilities Committee Meeting. Staff proposed several enhancements to the Utility Billing Processes, asked for endorsement to apply for a simple resurfacing grant and updated the Committee on the State Route 73 Beautification Program.

Mayor Centers gave a recap of the October 4, 2021 Safety Committee meeting. Staff asked for support in applying for the State of Ohio Body-Worn Camera Grant Program 2022. A representative from Axon presented their body cameras and answered questions from staff and Committee members.

**E. Notice & Abatement (Ben Yoder).** Mr. Yoder is working with staff to clear up the backlog of property maintenance complaints that have occurred. After a notice of violation, if the issue is not resolved, staff will take further action to resolve the issues. Residents will be billed for staff action to



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clean up property that has been neglected after notice is given. Council will be the deciding body in the case of an appeal.

**6. Reception of Visitors.** The Mayor opened the Reception of Visitors at 6:34 PM.

Brenda Ely of 74 Wyndemere Drive asked to be heard. Ms. Ely asked Council’s stance on HB 248, mask and vaccine mandates. The Mayor responded that if any legislation was passed, they would review it with legal counsel and decide how to proceed.

Maria Blaha of 549 Sandy Lane also asked to be heard. She asked if the Franklin Police Department would be enforcing mask mandates, specifically referring to an incident at an area business. Chief Colon responded that private businesses are allowed to enforce their own rules and that if called, the police could ask someone to leave private property if requested. The Mayor confirmed that a citizen would not be arrested for not wearing a mask.

**7. Public Hearing.** None.

**8. New Business.**

**A. RESOLUTION 2021-63 AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR FEDERAL FAST ACT FUNDS THROUGH THE MIAMI VALLEY REGIONAL PLANNING.**

If the City receives this funding, it will allow the City to mill and repave North Dixie Highway from Van Horne Avenue to Kenneth Coons Blvd. This Resolution is the first step in the application for funding process, with funds to be distributed in 2022. If funding is received, the City’s local share would be approximately 20% of the overall project cost for North Dixie Highway. The Engineer’s estimated cost for this Project is \$500,000 (estimated Local Share \$100,000).

The Mayor opened the floor for Council deliberation. He asked if there were any questions or comments. The Mayor asked Mr. Conway what the plan would be should this grant be denied. Mr. Conway said that this would be part of the state resurfacing project. The Mayor asked if there were any further questions. Hearing none, he called for a motion. Mr. Denny Centers made the motion to adopt **RESOLUTION 2021-63** as submitted; seconded by Vice Mayor Hall. The vote:

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

Motion passed.

**B. RESOLUTION 2021-64 ADOPTING THE CITY OF FRANKLIN, OHIO SANITARY SEWER BACKUP PREVENTION PROGRAM POLICY**

This Resolution adopts a Sanitary Sewer Backup Prevention Program Policy for implementation in the City of Franklin. The purpose of the Program is to assist Franklin residents with preventing sanitary sewer backups in their single-family residential properties following periods of heavy rainfall and flooding in the area by reimbursing residents, up to a certain amount, for the cost of installing approved backflow prevention devices on their sewer lines.

The Mayor opened the floor for Council deliberation. Mr. Denny Centers asked if citizens would need to wait for a backup to occur before they could apply for the program. Mr. Inman confirmed that is how the policy is written. Mr. Aldridge asked how it would be determined whose issue it was. Mr. Inman said that if the issue were in the street lines, the City would take responsibility, but if the issue was on the resident's property, it would be their issue to remedy.

The Mayor asked if there were any further questions or comments. Hearing none, he called for a motion. Mr. Ruppert made the motion to adopt **RESOLUTION 2021-64** as submitted; seconded by Mr. Wilcher. The vote:

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

Motion passed.

### C. RESOLUTION 2021-65 AUTHORIZING THE SALE OF SURPLUS CITY-OWNED VEHICLES BY INTERNET AUCTION

This Resolution authorizes the sale of surplus City-owned vehicles by internet auction pursuant to the terms and conditions previously established by Council by Resolution 2021-31. These are police vehicles that are not operational.

The Mayor called for a motion. Vice Mayor Hall made the motion to adopt **RESOLUTION 2021-65** as submitted; seconded by Mr. Aldridge. The vote:

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

Motion passed.

## 9. Introduction of New Legislation. None.

**10. City Manager's Report.** Mr. Westendorf gave an update on the parking situation at Community Park. Over the previous weekend, the park hosted JV Football, Pee Wee Football, SAY Soccer and a Kickball Tournament. A sports injury occurred, and the EMS squad ran into issues accessing the injured player. There were excessive violations of parking in No Parking Areas, and the back gate used for emergency access was blocked. The police department was called by the EMS squad and ultimately nine, ten-dollar citations were issued.

Staff met Monday morning to coordinate and plan for the upcoming weekend. Team organizers were contacted and asked to notify participants that vehicles parked in No Parking Zones will be cited. On Saturday, caution tape would be used between signposts, new "additional parking ahead" signs would be used to encourage vehicles to utilize all available spaces, fencing and No Parking Signs would be removed along the back driveway to allow for additional parking near Clear Creek and the Police Department will return to pre-Covid presence with consistent enforcement.

The Mayor thanked Mr. Westendorf for the quick response. Vice Mayor Hall said that the City has been dealing with this issue for some time. There is ample parking throughout Community Park and he encouraged the use of all available spaces that may require additional walking. There were no citizens in attendance to discuss the issue. Vice Mayor Hall said Mr. Westendorf has done a fantastic job handling the issue.

Mr. Aldridge thinks moving forward communication and consistency will be necessary. He does not want to see officers writing tickets for parking in the grass when they could be focused on other things. He hopes that improved communication will help resolve the issue.

There was continued discussion regarding the parking issue. Council and staff are excited for the progress at Dial Park and agree that available parking is underutilized at Community Park to avoid walking. There will be communication to change this culture.

Mr. Westendorf was a presenter that morning at the Great Miami Riverway Conversations. He shared the economic and housing growth plans for the City of Franklin. The event was hosted at the Dayton Homearama Lifestyle Edition at the Union Village Development. The reaction was very positive, and he looks forward to carrying on the conversation with area developers.

## **11. Council Comments.**

Mr. Wilcher thanked Ms. Ely and Ms. Blaha for attending the Council meeting and sharing their thoughts on the current events with Covid. He welcomed Chief Colon and Chief Select Riddiough.

Mrs. Fouts was happy with the turnout for the Police Chief Swearing in ceremony. She said the turnout from Riverside is a compliment to the Chief's character and accomplishments.

She suggested considering a roundabout at Beal and Shotwell as improvements are planned for that area.

She thinks moving forward with enhanced water shut off notices and the body cameras will be beneficial to the City.

Mr. Aldridge thanked everyone for attending. He was so happy the Lt. Williams was recognized for her efforts. Council has been proud of her for some time.

He thanked Lt. Pacifico for his work as interim Chief. He welcomed Chief Colon and is looking forward to Lt. Riddiough coming on board next week.

Mr. D. Centers thanked Ms. Ely and Ms. Blaha for coming to the meeting. He enjoys when citizens get involved.

It was wonderful to see Lt. Williams recognized.

He was happy to see the Westendorf family in attendance.

He was impressed with the Police Chief Swearing In Ceremony and thanked staff for their efforts.

Mr. Ruppert was impressed with Chief Colon’s family attendance at the Swearing In and said he must be proud. He was happy with the event as well.

The City looks great and things are going well. He thanked staff for their efforts.

Vice Mayor Hall apologized for missing the Chief Swearing In as he teaches school. He thanked Lt. Pacifico for his work as interim Chief.

He thanked Mr. Westendorf for how he handles comments on Facebook. Problems can be solved by having conversations and it seemed that this past weekend some citizens did not want to talk about resolutions but only wanted to complain.

He welcomed Chief Select Riddiough.

Mayor Brent Centers said that luckily the parking issue was a minor issue and thanked staff for handling big issues every day.

He welcomed the Westendorf family who was in attendance.

The Mayor congratulated Chief Colon and shared the compliments he received for the Swearing In Ceremony. He also thanked Lt. Pacifico for his work.

He is looking forward to welcoming Chief Select Riddiough.

He thanked Ms. Ely and Ms. Blaha and invited them both to return.

**12. Executive Session.** To consider the appointment of a public employee pursuant to ORC 121.22 (G)(1).

Mr. Ruppert made the motion to exit into executive session, seconded by Mrs. Fouts. The vote:

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

Motion passed.

Council entered into executive session at approximately 7:18 PM.



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

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

Motion passed.

Council exited executive at approximately 7:52 PM.

**13. Adjournment.** The Mayor called for a motion to adjourn the meeting. Vice Mayor Hall made the motion; seconded by Mr. Aldridge. The Mayor called for a voice vote and voice vote the motion passed 7-0.

The Mayor adjourned the meeting at 7:52 PM.

\_\_\_\_\_  
Brent Centers, Mayor

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



# Legislative Cover Memo



**Introduction:** November 1, 2021  
**Public Hearing:** November 15, 2021  
**Effective Date:** December 15, 2021

**Agenda Item:** **Ordinance 2021-27**  
EXTENDING THE MORATORIUM ON THE ESTABLISHMENT OR COMMENCEMENT OF MEDICAL MARIJUANA CULTIVATORS, PROCESSORS AND/OR RETAIL DISPENSARIES WITHIN THE CITY OF FRANKLIN FOR AN ADDITIONAL 180 DAYS

**Submitted by:** Jonathon Westendorf, City Manager

**Scope/Description:** The City of Franklin currently has a moratorium in effect on the establishment or commencement of medical marijuana cultivators, processors and/or retail dispensaries within the City limits. The purpose of the moratorium is to allow the City time to study data and receive input from the City's new public safety department heads on the potential impact of these types of medical marijuana businesses on the City. The moratorium is set to expire on December 13, 2021. The City's information collection on this topic is ongoing, and the City requires additional time to study the impact of these types of medical marijuana businesses could have on City residents.

**Exhibits:** None.

**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 2021-27

**EXTENDING THE MORATORIUM ON THE ESTABLISHMENT OR COMMENCEMENT OF MEDICAL MARIJUANA CULTIVATORS, PROCESSORS AND/OR RETAIL DISPENSARIES WITHIN THE CITY OF FRANKLIN FOR AN ADDITIONAL 180 DAYS**

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

WHEREAS, House Bill 523 established the Ohio Medical Marijuana Control Program (the “Program”), administered by the Ohio Department of Commerce and the State Board of Pharmacy;

WHEREAS, the Program became operational on September 8, 2018;

WHEREAS, this relatively new law and its regulatory scheme empower City Council to regulate the number of medical marijuana retail dispensaries, and the location of medical marijuana cultivators, processors and/or retail dispensaries;

WHEREAS, City Council enacted a 180-day moratorium on the establishment or commencement of medical marijuana cultivators, processors and/or retail dispensaries within the City of Franklin’s municipal boundaries through the passage of Ordinance 2021-08 on May 3, 2021;

WHEREAS, Council found the moratorium necessary to allow the City time to study data and receive input from the City’s newly appointed public safety leadership on the potential impact of these types of medical marijuana businesses on the City and its residents;

WHEREAS, Ordinance 2021-08 became effective on June 16, 2021 and is set to expire on December 13, 2021;

WHEREAS, the City’s analysis of data and internal discussions regarding the potential impact of medical marijuana businesses on City of Franklin residents are ongoing, and the City requires additional time to thoughtfully determine how to appropriately regulate these businesses within the City limits; and

WHEREAS, Council finds it to be in the best interests of the health, safety and general welfare of the citizens of Franklin to extend the current moratorium on the establishment or commencement of medical marijuana cultivators, processors, and/or retail dispensaries within the City for an additional 180-day period following the original December 13, 2021 expiration date of the moratorium.

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

Section 1. The current moratorium on the establishment or commencement of medical marijuana cultivators, processors and/or retail dispensaries within the City of Franklin’s municipal boundaries, enacted through Ordinance 2021-08 and effective June 16, 2021, is hereby extended for an additional 180 days following the original December 13, 2021 expiration date.

Section 2. The definitions set forth in Section 2 of Ordinance 2021-08 are applicable to the same terms set forth in this Ordinance and, as such, are hereby adopted and incorporated herein by reference.

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

Section 4. The purpose of the moratorium continues to be to maintain the status quo while the City studies, researches, and receives input from newly appointed City staff on the potential impact of these types of medical marijuana businesses on the City and its residents in order to determine how to appropriately regulate these businesses within the City limits.

Section 5. City leadership is hereby directed to continue researching and studying the potential impact of these types of medical marijuana businesses on the City and its residents, and to recommend to Planning Commission and/or this Council, as soon as practicable, the extent and manner by which Council should regulate these uses.

Section 6. It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action 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 7. This Ordinance shall go into effect on December 15, 2021.

INTRODUCED: November 1, 2021

ADOPTED: November 15, 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 2021-27 passed by that body on November 15, 2021.

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

APPROVED AS TO FORM:

\_\_\_\_\_ Law Director