

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 November 1, 2021 Meeting.
5. Presentations.
6. Reception of Visitors.
7. Public Hearing.
 - 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)
8. New Business.
 - A. **RESOLUTION 2021-66** ADOPTING THE CITY OF FRANKLIN INVESTMENT POLICY (Cindy Ryan)
 - a. Exhibit A: Investment Policy
 - B. **RESOLUTION 2021-67** APPOINTING MEMBERS OF COUNCIL TO THE VOLUNTEER FIREFIGHTERS DEPENDENTS FUND BOARD AND VOLUNTEER PEACE OFFICERS' DEPENDENTS FUND BOARD FOR THE YEAR 2022. (Khristi Dunn)
 - C. **RESOLUTION 2021-68** CONCURRING WITH THE CITY MANAGER FOR THE APPOINTMENT OF JERI ASHER AS A CITY CODE OFFICIAL TO ENFORCE THE CITY'S PROPERTY MAINTENANCE CODE (Jonathan Westendorf)
 - D. **RESOLUTION 2021-69** AUTHORIZING THE SALE OF SURPLUS CITY-OWNED VEHICLES BY INTERNET AUCTION (Andy Riddiough)

9. **Introduction of New Legislation.**

A. **ORDINANCE 2021-28** AMENDING CHAPTERS 911 and 919 OF THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO, RESPECTIVELY CAPTIONED “WATER SERVICE” AND “SEWER RENTAL” (Jonathan Westendorf)

- a. Exhibit A: Section 911.09
- b. Exhibit B: Section 911.10
- c. Exhibit C: Section 919.03
- d. Exhibit D: Section 919.05

B. **ORDINANCE 2021-29** AMENDING CHAPTER 1103, DEFINITIONS, CHAPTER 1107 DISTRICTS AND LAND USE STANDARDS, CHAPTER 1109 OVERLAY DISTRICTS, CHAPTER 1111 DEVELOPMENT REQUIREMENTS AND STANDARDS AND CHAPTER 1115 PROCESS AND PROCEDURES OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE (Barry Conway)

- a. Exhibit A: Chapter 1103.01
- b. Exhibit B: Chapter 1107.03
- c. Exhibit C: Chapter 1107.05
- d. Exhibit D: Chapter 1109.05
- e. Exhibit E: Chapter 1111.08
- f. Exhibit F: Chapter 1115.08

10. **Law Director Report.**

- A. Charter Review (Carly Sherman)

11. **City Manager’s Report.**

12. **Council Comments.**

13. **Executive Session** – To consider the compensation of a public employee pursuant to ORC 121.22 (G)(1) and preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment pursuant to ORC 121.22 (G) (4).

14. **New Business.**

A. **RESOLUTION 2021-70** APPROVING OR REJECTING THE TENTATIVE AGREEMENT WITH THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, LOCAL 3742 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE COLLECTIVE BARGAINING CONTRACT (Jonathan Westendorf)

15. **Adjournment.**

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
Andy Riddiough, Fire & EMS Chief
Steve Inman, Public Works Director
Barry Conway, City Engineer
Khristi Dunn, Clerk of Council

Members of the Franklin City Council met in regular session on Monday, November 1, 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, November 1, 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, Chief Riddiough, Ms. Ryan, Ms. Steed, Mr. Westendorf, Mr. Yoder, Lt. Pacifico and three guests were 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 October 4, 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 October 4, 2021, general meeting; seconded by Mrs. Fouts. The vote:

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

VICE MAYOR TODD HALL yes

MAYOR BRENT CENTERS yes

Motion passed.

5. Presentations.

A. Fire & EMS Chief Andy Riddiough Ceremonial Swearing In. Mayor Centers swore in Andy Riddiough as the newly appointed Chief of Fire & EMS. Chief Riddiough is looking forward to serving the community.

B. Committee Reports. Due to new information, Mr. Wilcher referred to Mr. Westendorf for a summary of the October 21, 2021, Public Works & Committee Meeting. Staff updated the committee on challenges occurring in the sewer fund. There is an industrial user in default and an expansion of the plant will need to occur in the next several years. The committee had voted to endorse an increase of \$1.50 to the currently planned \$1.11 January increase for the sewer rate. Mr. Westendorf has had ongoing conversations with the industrial user and feels more confident that they will be able to become current on their past due account. He also had a meeting scheduled later in the week that could possibly result in more income for the fund. He suggested tabling the \$1.50 increase until next year as these items develop.

6. Reception of Visitors. The Mayor opened and closed the Reception of Visitors at 6:11 PM as none asked to be heard.

7. Public Hearing. None.

8. New Business. None.

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

City Manager's Report. Mr. Westendorf reported that the City has received funding for the water supply revolving loan account program which will allow financing of water system upgrades at .03%. There are three main projects: 5,000 feet of water line replacement up Bryant hill, 5,000 feet of water main along Millard and the repaving and restoring of both roads. The other project is the replacement of the standpipe on Third Street. This was slated to be replaced at its current location during 2021. Staff evaluated the situation and suggested relocating the standpipe either behind the JEMS building or behind Dial Park. This will help support future development. The current location is limited on space and adding pressure could cause damage to areas it supports.

Mr. D. Centers asked the cost of the standpipe project. Staff said the cost is still to be determined, but the estimate is around \$900,000. The total cost of all three pieces will be approximately \$3 million over twenty years.

The Mayor asked if the American Rescue Plan Act funding had been considered. Mr. Westendorf responded that the City has received \$600,000 thus far and uses are being discussed.

Mr. Westendorf reported that in 2022, the plan is to postpone paving 4th Street and pave Deardoff instead. Once the new Junior High construction is completed, the plan will be to pave 4th Street from Riley to Conover.

10. Council Comments.

Mr. Wilcher thanked staff and the Special Events Committee for organizing the Pumpkin Roll Festival. He was impressed with the turnout. He also thanked A&G Pizza for hosting trivia night for the Franklin Area Historical Society. He thanked everyone for their support over the past four years and asked for support at the election tomorrow. He will continue to keep Franklin's best interest in mind and be a good warden of tax dollars.

Mrs. Fouts is excited to see the progress at Dial Park. The election the next day is an important day. She is happy with the how well the current Council works together. She asked that everyone vote as every vote counts.

Mr. Aldridge echoed Mr. Wilcher comments regarding the Pumpkin Roll Festival. He reported that Trick-or-Treat in his neighborhood was very successful. He enjoyed seeing Police & Fire personnel out during the festivities as this is a great outreach.

Mr. D. Centers had an enjoyable time at the FAHS trivia event and thanked Ms. Fouts. He heard that Trick-or-Treat was successful throughout the City. He hopes that all three incumbents are voted back on at the election the following day. It has been an enjoyable Council to work with and commented that they work well together.

Mr. Ruppert wished the three candidates well in the upcoming election. The Pumpkin Roll Festival went well. He enjoyed watching the Pumpkin Roll and being a part of the suggestion booth that asked, "How Would You Invent Our Future". Dial Park is looking great, and he is excited for it to be utilized.

Vice Mayor Hall wished the three candidates well in the upcoming election and commented that this is a great Council. He also commented on the success of Trick-or-Treat. He asked for support of the Senior Levy renewal.

Mayor Brent Centers echoed comments regarding Dial Park and the Pumpkin Roll Festival. These successes are due to staff's work and the support of Council. He hopes that all the incumbents are re-elected to continue that good work that is being done. He wished the candidates well.

11. 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).

Mr. D. Centers made the motion to exit into executive session, seconded by Mr. Aldridge. 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.

Council entered into executive session at approximately 6:30 PM.

Mr. Ruppert made the motion to exit out of executive session, 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	yes
MRS. DEBBIE FOUTS	yes

Motion passed.

Council exited executive at approximately 7:34 PM.

12. 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 7:35 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: Jonathan 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

Legislative Cover Memo



Meeting Date:	November 1, 2021
Agenda Item:	Resolution 2021-66 ADOPTING THE CITY OF FRANKLIN INVESTMENT POLICY
Submitted by:	Cindy Ryan, Finance Director
Scope/Description:	<p>The City's investment policy was last updated in August 2020.</p> <p>This update revises the policy with suggestions from our local investment advisor based on changes in Ohio.</p> <p>Once this policy is approved by City Council, we must send a copy to the Ohio Auditor of State's office for further approval.</p>
Budget Impact:	None
Exhibits:	Investment Policy
Recommendation:	Reviewed by Finance Committee, who recommends adoption.

CITY OF FRANKLIN, OHIO
RESOLUTION 2021-66

ADOPTING THE CITY OF FRANKLIN INVESTMENT POLICY

WHEREAS, this Council, by Ordinance 2016-16, passed on November 21, 2016, repealed Chapter 126 of the Codified Ordinances, which contained the City's Investment Policy;

WHEREAS, in light of changes made to the State's Uniform Depository Act, the City Manager, Finance Director and Finance Committee have recommended a new Investment Policy be adopted; and

WHEREAS, this Council finds it desirable to adopt a new Investment Policy to reflect current standard procedures and Ohio Revised Code requirements,

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

Section 1. The City of Franklin Investment Policy, as set forth in the attached Exhibit A, is hereby adopted. Said Investment Policy shall be kept on file in the office of the Finance Director.

Section 2. The Finance Director is hereby directed to file a copy of the attached Investment Policy with the Ohio Auditor of State's Office, as required by law.

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

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

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 Resolution 2021-66 passed by that body on November 15, 2021.

Khristi Dunn, Clerk of Council

CITY OF FRANKLIN

FINANCIAL POLICY

INVESTMENT POLICY

Policy

It is the policy of the City of Franklin, Ohio (“City”) to invest public funds in a manner that will provide the highest investment return while preserving principal and maintaining adequate daily cash flow for the City. Investment activities of the City will conform to federal, state, and/or local statutes governing the investment of public funds unless otherwise noted in this investment policy.

Scope

This investment policy applies to all funds of the City as represented in the Comprehensive Annual Financial Report. City funds may be pooled for investment purposes. Unless otherwise restricted, all interest earnings will be credited to the General Fund.

Objectives

In order of importance, the primary objectives of the City’s investment activities are:

- Safety – Investments of the City shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio.
The City will minimize this risk by limiting investments to only the safest types of securities and by diversifying the investment portfolio both in type of investment and in financial institutions.
- Liquidity – Investments of the City shall remain sufficiently liquid to enable the City to meet all operating requirements which might be reasonably anticipated.
The City will minimize this risk by structuring the portfolio so that the City is able to meet all reasonably anticipated obligations in a timely manner.
- Return on Investment– The investment portfolio shall be structured with the objective of attaining a market rate of return throughout budgetary and economic cycles taking into account the City’s risk constraints and cash flow characteristics.
The City will minimize this risk by restricting maturities of investments and by diversifying the length of maturities within the portfolio.

Securities shall generally be held until maturity, but if prudent, the portfolio may be actively managed to enhance overall interest income or minimize loss of principal.

Standards of Care

Prudence

The City hereby adopts the “prudent person rule” as the standard of prudence to be applied in the context of managing an overall portfolio. Investments shall be made with the same judgement and care—under circumstances then prevailing—which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering probable safety of their principal as well as probable income to be derived.

Employees meeting the prudent person standard and acting in accordance with the City’s written procedures and this investment policy shall be relieved of personal responsibility for a specific security’s subsequent performance, provided appropriate action is taken in a timely manner to control adverse developments.

Delegation of Authority

Management responsibility for the investment program is hereby granted to the Finance Director, who shall be responsible for the implementation of the investment program and the establishment of investment procedures consistent with this Policy. The Finance Director shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials, and their procedures in the absence of the Finance Director.

Conflicts of Interest & Ethics

Elected officials and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program or that could impair their ability to make impartial investment decisions. Investment personnel shall disclose any material interests in financial institutions or firms that conduct business with the City. They shall further disclose any personal financial/investment positions that could be related to the performance of the City.

Authorized Financial Dealers & Institutions

The Finance Department shall maintain a list of financial institutions and broker/dealers authorized to provide depository and/or investment services to the City. No public deposit shall be made except in a qualified public depository established by Chapter 135 of the Ohio Revised Code.

The Finance Director shall periodically review the financial conditions and registrations of qualified institutions and brokers/dealers. At the Finance Director’s discretion, a financial institution or firm may be removed from the authorized list if the institution or firm appears to no longer offer adequate safety for public funds.

All financial institutions, broker/dealers and investment advisors who desire to become qualified bidders for investment transactions with the City must supply the following, as appropriate:

- A letter from the individual providing the service that:
 - a) Certification of having received and understood the City’s investment policy, and agreement to comply with the Policy;

- b) Certifies that the firm and broker assigned to the City's account have the required credentials and licenses with FINRA (<https://www.finra.org/about>), SEC, or appropriate agencies
- c) Confirms that the institution will notify the City if at any time the firm or broker is not in compliance with Securities and Exchange Commission Rule 15C3-1, the firm's capital position drops substantially, or a material control weakness is identified by the firm's independent auditor
 - Annual financial statement
 - Evidence of adequate insurance coverage
 - Signed depository agreement

Should the City contract with an external investment advisor, as detailed later in this investment policy, a managing officer of the investment advisory firm may sign the letter required above in lieu of a broker/dealer.

The Finance Committee shall review the bids submitted by depository candidates and make a recommendation to the City Council for final approval. Financial institutions and broker/dealers will be selected on the basis of their expertise in public cash management and their ability to provide service for the City's investment portfolio.

Investment Advisors

The City may retain the services of a registered investment advisor who has experience in public funds investment management. The investment advisor shall manage the City's portfolio, or a portion thereof, and shall be responsible for the negotiation and execution of transactions that invest and reinvest applicable City assets. All such investment transactions shall adhere to this investment policy.

Upon the request of the Finance Director or the City Manager, the investment advisor shall attend a Finance Committee or City Council meeting to discuss all aspects of the City's portfolio, including market conditions affecting the value of the City's investments. The investment advisor shall provide periodic reports detailing the performance of the City's investment portfolio under his direction.

Investment advisors utilized by the City shall provide confirmation of receiving and understanding this investment policy. This confirmation must be included as part of the investment advisory contract.

Authorized Investments & Deposits

Active Deposits

As established by Chapter 135 of the Ohio Revised Code, an "active deposit" is a deposit of public funds used to meet the City's current operating demands. Active deposits may be placed in:

- A commercial account that is payable or withdrawable, in whole or in part, on demand
- A negotiable order of withdrawal (NOW) account, or
- A money market deposit (MMD/MMA) account

Other Investments

For funds not classified as “active deposits,” the City may invest in any of the securities identified in Chapter 135 of the Ohio Revised Code. Investments not defined under ORC 135 but authorized pursuant to this investment policy are considered authorized investments of the City. These securities include but are not limited to:

- I. U.S. Treasury Obligations: Bills, notes, bonds, or any other obligation or security issued by the United States treasury or any other obligation guaranteed as to principal and interest by the United States.
- II. U.S. Government Agency or Instrumentality Securities: Bonds, notes, debentures, or any other obligations or securities issued by any federal government agency or instrumentality, including but not limited to, the Federal National Mortgage Association (FNMA), Federal Home Loan Bank (FHLB), Federal Farm Credit Bank (FFCB), Federal Home Loan Mortgage Corporation (FHLMC), and Government National Mortgage Association (GNMA). All federal agency securities shall be direct issuances of federal government agencies or instrumentalities.
- III. Certificates of Deposit & Other Evidences of Deposit at Financial Institutions: Interest-bearing certificates of deposit, savings accounts, and other deposit accounts offered by a public depository eligible in accordance with Section 135.03 of the Ohio Revised Code. This type of investment includes the CDARS program and the STAR Plus program.
- IV. State and Local Government Securities: Bonds and other obligations of the State of Ohio, or any political subdivision of the State of Ohio, provided that all of the following apply:
 - a. The bonds or other obligations are payable from general revenues of the political subdivision and are backed by the full faith and credit of the political subdivision.
 - b. The bonds or other obligations are rated at the time of purchase in the three highest classifications established by at least one nationally recognized standard rating service and purchased through a registered securities broker or dealer.
 - c. The City is not the sole purchaser of the bonds or other obligations at original issuance.
 - d. The bonds or other obligations mature within ten years from the date of settlement.
- V. No-Load Money Market Mutual Funds: A mutual fund in which shares are sold without a commission or sales charge, consisting exclusively of obligations described in sections I and II above, and repurchase agreements secured by such obligations, provided that these investments are only made through eligible public depositories.
- VI. Ohio Subdivision Fund: The State Treasury Assets Reserve of Ohio (“STAR Ohio”) is a statewide investment pool managed by the Treasurer of the State of Ohio similar in concept to a money market fund.
- VII. Other Securities Offered by the Treasurer of the State of Ohio: Any other investment option offered to Ohio political subdivisions by the Treasurer of the State of Ohio. The

instruments of these pools must have the full faith and credit backing of the U.S. or be fully collateralized or insured.

- VIII. Repurchase Agreements: Repurchase agreements of a bank or savings and loan association organized under the laws of the U.S. or State of Ohio for negotiable direct obligations of the U.S. or U.S. federal agencies. Before transacting a repurchase agreement with a particular broker/dealer or eligible institution, the City must enter into a Master Repurchase Agreement with such broker or institution.
- IX. Commercial Paper: Commercial Paper rated at the time of purchase in the highest classification established by at least two nationally recognized standard rating services and not mature later than 270 days after purchase.
- X. Bankers' Acceptances: Bankers' acceptances of banks that are insured by the FDIC. Bankers' acceptances can only be purchased if the yield is greater than the U.S. Treasury obligations or federal agency issues.
- XI. Corporate Bonds: Bonds issued by a corporation organized and operated within the United States that has assets exceeding five hundred million dollars. Bonds issued must meet the following criteria:
 - a. Two of the three ratings of at least: AA by Standard & Poor's, Aa2 by Moody's, and AA by Fitch at the time of purchase
 - b. Denominated in U.S. dollars

Prohibited Investments

Investments in stripped principal or interest obligations of eligible obligations, inverse floaters, and collateralized mortgage obligations are strictly prohibited. Additionally, the City shall not invest in securities that could expose the City to foreign currency risk.

Collateralization

Consistent with State law, the City requires all bank deposits to be federally insured or collateralized with eligible securities. The City, and all public depositories, shall comply with the collateralization requirements established in Chapter 135 of the Ohio Revised Code. Failure of an institution to abide by any of the provisions in this section is cause for immediate suspension of the institution as a qualified depository for any City funds. Each public depository with which the City has deposits shall provide a quarterly statement reflecting the securities pledged including the market value of such securities.

Safekeeping and Custody

All security transactions, including collateral for repurchase agreements, entered into by the City shall be conducted on a delivery-versus-payment (DVP) basis to ensure that securities are deposited in an eligible financial institution prior to the release of funds. Securities will be held by an independent third-party custodian designated by the Finance Director and evidenced by safekeeping receipts and a written custodial agreement.

Internal Control

The Finance Director shall establish a system of internal controls designed to protect City funds from loss, theft, or misuse. The Finance Director shall evaluate the cost of any control so that it does not exceed the benefits likely to be derived. Compliance with this investment policy and the established procedures shall be independently reviewed during annual audits by or on behalf of the Auditor of the State of Ohio.

Diversification

The City will diversify its investment portfolio to reduce the risk of loss resulting from over concentration of assets in a specific maturity, a specific security type, or a specific issuer or broker. The Finance Director may invest in any instrument or security authorized in Chapter 135 of the Ohio Revised Code, as amended. A copy of the appropriate ORC section will be kept with this policy.

Maturities

To the extent possible, the maturity of investments will be matched to anticipated cash flow needs. Unless matched to a specific cash flow requirement or debt of the City, investments shall mature within five years from the date of purchase. **Exceptions to this maturity restriction may exist for certain eligible investments under ORC 135 and are allowable under this policy.**

Performance Standards

The investment portfolio shall be managed to consistently achieve a market rate of return throughout budgetary and economic cycles, commensurate with the City's investment risk constraints and cash flow needs. Investments shall be made at yields equal to or greater than the bond equivalent yield on United States Treasury obligations of comparable maturity, the City's "benchmark rate of return."

Reporting

At least annually, the Finance Director shall report to the Finance Committee on the current status of the City's investment portfolio. The report shall include information about all investments including the investments' compliance with the City's investment policy. Also, the report shall include any recommendations that the Finance Director has on amendments to this investment policy.

Training & Education

Consistent with Chapter 135 of the Ohio Revised Code, the Finance Director shall annually complete the public investment continuing education training requirements established by the Treasurer of the State of Ohio.

Investment of Dial Park Trust Funds

The original bequeathment of financial assets from the F.C. Dial estate to the City in 2008 included corporate stock in the following:

- General Electric – 4,800 shares
- Procter & Gamble – 14,400 shares
- Ohio Power – 5 shares
- IBM – 400 shares
- Smucker – 144 shares

Investments in corporate stock are inherently high in risk, and as such, are typically prohibited as an investment by a municipality. Historically, however, stocks perform well over the long term, and since this investment remained relatively stable before being gifted to the City, the Finance Director is hereby authorized to maintain the investment as it was originally gifted. All income earned on the original shares, however, shall be used as authorized by the F.C. Dial will or invested in authorized investments as described in the “Authorized Investments” section of this investment policy.

In accordance with the terms and conditions of the F.C. Dial Trust & Will, the income from the F.C. Dial estate shall only be used for the benefit and maintenance of the City’s parks. The expenditure of such income from the F.C. Dial estate for the benefit and maintenance of the City’s parks shall be as directed by the City’s Parks and Recreation Commission.

No part of the principal of the F.C. Dial estate shall be used for the maintenance of the City’s parks, except that the expenditure of an amount not to exceed \$5,000 from such principal may be used for the purchase of a site for additional park land. In such event, said park shall be known as the Dial Park, in accordance with the terms and conditions of the F.C. Dial Trust & Will.

Investment Policy Adoption

The City’s investment policy shall be adopted by legislation of the City Council, and any modifications must be further approved by City Council. A copy of the approved investment policy shall be filed with the Auditor of the State of Ohio.

Any investment currently held by the City that does not meet the guidelines of this policy shall be exempted from the requirements of this policy until the security reaches maturity or is otherwise liquidated. At that time, such monies shall be reinvested only as provided by this policy.

Updated **November 2021**

Legislative Cover Memo



Meeting Date: November 15, 2021

Agenda Item: **Resolution 2021-67**
APPOINTING MEMBERS OF COUNCIL TO THE VOLUNTEER
FIREFIGHTERS DEPENDENTS FUND BOARD AND
VOLUNTEER PEACE OFFICERS' DEPENDENTS FUND BOARD
FOR THE YEAR 2022.

Submitted by: Khristi Dunn, Clerk of Council

Scope/Description: Appointing members of Council to the Volunteer Firefighters
Dependents Fund Board and Volunteer Peace Officers'
Dependents Fund Board for the year 2022.

Per the Ohio Revised Code section 146.04 (B), Election of
volunteer fire fighters' dependents fund board members provided
for in divisions (A)(1) and (B)(1) of section 146.03 of the Revised
Code shall be held each year no earlier than the first day of
November and no later than the second Monday in December.

Budget Impact: None.

Exhibits: None.

Recommendation: Approval.

CITY OF FRANKLIN, OHIO
RESOLUTION 2021-67

**APPOINTING MEMBERS OF COUNCIL TO THE VOLUNTEER FIREFIGHTERS DEPENDENTS FUND BOARD AND
VOLUNTEER PEACE OFFICERS' DEPENDENTS FUND BOARD FOR THE YEAR 2022**

WHEREAS, in accordance with the City Charter, the City's Ordinances and Ohio law, Council must appoint members to various Boards and Commissions; and

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

Section 1. The following Council members are hereby appointed to the Volunteer Firefighters' Dependents Fund Board for a one (1) year term, January 1, 2021 to December 31, 2021:

Matt Wilcher, Council Member

Michael Aldridge, Council Member

Section 2. The following Council members are hereby appointed to the Volunteer Peace Officers' Dependents Fund Board for a one (1) year term, January 1, 2021 to December 31, 2021:

Matt Wilcher, Council Member

Michael Aldridge, Council Member

Section 3. The Board and Commission members herein appointed shall serve their appointed terms and shall continue in office until their successors are appointed. In the event any member is unable to complete his or her term, the designated alternate, if any, shall serve out the remainder of the term and shall continue in office until his or her successor is appointed.

Section 4. 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 5. This Resolution shall become effective immediately upon its passage.

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 Resolution 2021-67 passed by that body on November 15, 2021.

Khristi Dunn, Clerk of Council

Legislative Cover Memo



Meeting Date: November 15, 2021

Agenda Item: **Resolution 2021-68**
CONCURRING WITH THE CITY MANAGER FOR THE
APPOINTMENT OF JERI ASHER AS A CITY CODE OFFICIAL
TO ENFORCE THE CITY'S PROPERTY MAINTENANCE CODE

Submitted by: Jonathan Westendorf, City Manager

Scope/Description: To assist with the enforcement of the Property Maintenance Code, the City Manager desires to appoint Jeri Asher as Code Official.

Pursuant to the Property Maintenance Code, the Code Official shall be appointed by the City Manager, upon the concurrence of City Council. The purpose of this Resolution is for Council to concur with the City Manager for the appointment of Jeri Asher as a City Code Official to enforce the City's Property Maintenance Code. Other appointments continue and include Engineer and Zoning Official, Barry Conway, Zoning Official Kyle Lovelace and NIC.

Budget Impact: None.

Recommendation: Approval.

CITY OF FRANKLIN, OHIO
RESOLUTION 2021-68

**CONCURRING WITH THE CITY MANAGER FOR THE APPOINTMENT OF JERI ASHER AS A CITY CODE
OFFICIAL TO ENFORCE THE CITY'S PROPERTY MAINTENANCE CODE**

WHEREAS, The City's Property Maintenance Code provides:

1333.02 Appointment

The Code Official shall be appointed by the City Manager, upon the concurrence of City Council, and the Code Official so appointed may be a person or agency providing services to the City pursuant to contract.

WHEREAS, the City Manager desires to appoint Jeri Asher as a Code Official, upon the concurrence of this Council, to enforce the Property Maintenance Code; and

WHEREAS, this Council desires to appoint Jeri Asher as a City Code Official to enforce the effective provisions of the City's Property Maintenance Code;

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

Section 1. This Council concurs with the City Manager to appoint Jeri Asher as a City of Franklin Code Official for the enforcement of the City's Property Maintenance Code.

Section 2. It is found that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

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

ADOPTED: 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 a resolution passed by that body on November 15, 2021

Khristi Dunn, Clerk of Council

Legislative Cover Memo



Meeting Date: November 15, 2021

Agenda Item: **Resolution 2021-69**
AUTHORIZING THE SALE OF SURPLUS CITY-OWNED
VEHICLES BY INTERNET AUCTION

Submitted by: Andy Riddiough, Chief of Fire & EMS

Scope/Description: 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

Recommendation: Approval.

CITY OF FRANKLIN, OHIO
RESOLUTION 2021-69

AUTHORIZING THE SALE OF SURPLUS CITY-OWNED VEHICLES BY INTERNET AUCTION

WHEREAS, the City of Franklin, Ohio owns certain vehicles no longer needed, obsolete, or otherwise unfit for further City use;

WHEREAS, City Council previously passed Resolution 2021-31 generally authorizing and establishing the terms for subsequent sales of surplus City-owned personal property by internet auction; and

WHEREAS, Council desires to authorize the sale of said certain vehicles by internet auction pursuant to the terms of conditions previously established by Resolution 2021-31;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FRANKLIN, WARREN COUNTY, OHIO, a majority of members present concurring, that:

Section 1. Council does hereby deem the following City-owned vehicles to be unneeded, obsolete, or otherwise unfit for further City use (the "Surplus Vehicles"):

-2005 Ford McCoy Miller Ambulance, VIN 1FDXE45P95HA77984

Section 2. Council hereby authorizes and directs staff to sell the Surplus Vehicles by internet auction pursuant to the terms and conditions provided in Resolution 2021-31.

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

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

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 a resolution passed by that body on November 15, 2021.

Khristi Dunn, Clerk of Council

Legislative Cover Memo

Introduction: November 15, 2021

Public Hearing: December 6, 2021

Effective Date: January 5, 2022

Agenda Item: **Ordinance 2021-28**
AMENDING CHAPTERS 911 and 919 OF THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO, RESPECTIVELY CAPTIONED “WATER SERVICE” AND “SEWER RENTAL”

Submitted by: Jonathon Westendorf, City Manager

Scope/Description: This Ordinance amends the City’s water and sewer utility billing provisions to clarify water and sewer service account deposit requirements and liability for unpaid water service bills.

Exhibits: Exhibit A: Section 911.09
Exhibit B: Section 911.10
Exhibit C: Section 919.03
Exhibit D: Section 919.05

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 2021-28

**AMENDING CHAPTERS 911 and 919 OF THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO,
RESPECTIVELY CAPTIONED "WATER SERVICE" AND "SEWER RENTAL"**

WHEREAS, Chapters 911 and 919 of the Codified Ordinances of the City of Franklin set forth the City's water and sewer utility service account billing procedures and deposit requirements, penalties for unpaid bills, and liability provisions with respect to delinquent water and sewer service accounts;

WHEREAS, the City of Franklin Council desires to amend Sections 911.09 and 911.10 of the City's Codified Ordinances to clarify water service billing procedures, deposit requirements, and personal liability for delinquent water service accounts in the context of leased premises;

WHEREAS, City Council further desires to amend Sections 919.03 and 919.05 of the City's Codified Ordinances to clarify sewer service billing procedures, deposit requirements, and personal liability for delinquent sewer service accounts in the context of leased premises;

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

Section 1. Section 911.09 of the City's Codified Ordinances is hereby amended as set forth in Exhibit A, attached hereto.

Section 2. Section 911.10 of the City's Codified Ordinances is hereby amended as set forth in Exhibit B, attached hereto.

Section 3. Section 919.03 of the City's Codified Ordinances is hereby amended as set forth in Exhibit C, attached hereto.

Section 4. Section 919.05 of the City's Codified Ordinances is hereby amended as set forth in Exhibit D, attached hereto.

Section 5. All ordinances or parts of ordinances that conflict with this Ordinance are hereby repealed.

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.

INTRODUCED: November 15, 2021

ADOPTED: December 6, 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 2021-28 passed by that body on December 6, 2021.

APPROVED AS TO FORM

Khristi Dunn, Clerk of Council

Ben Yoder, Law Director

FRANKLIN CODIFIED ORDINANCE

Chapter 911 – Water Service

911.09 Billing, Penalties, Late Fees and Denial of Service

- (a) Monthly Billing: Monthly bills shall be paid on or before the last business day of the month ("the due date"). If the last business day of the month falls on a holiday, the monthly bill shall be paid on or before the day preceding the last business day of the month. The Finance Director shall establish, for the Utility Billing Division, Department policies and procedures providing fair and reasonable opportunity for resolution of any billing disputes.
- (b) Penalties and Late Fees: Any monthly bill not paid on or before the due date shall be assessed a ten percent (10%) penalty. If the bill is not paid within thirty (30) days of the due date, a late charge of one and one-half percent (1.5%) shall be added for each month or portion of a month that the amount due remains outstanding. For any bill outstanding after the due date, a notice shall be sent to the customer indicating that the water service may be shut-off without further notice.
- (c) Denial of Service:
 - (1) As of July 15, 1981, water and sewer service may be denied to any premises and may be shut-off for indebtedness until the same is fully paid. This section shall be applied regardless of whether there has been a change in ownership or possession of the premises or a change in the name in which the service account is carried.
 - (2) Any individual liable for a delinquent water services account with respect to any premises within the City may be denied water service at any other premises in the City until the total outstanding water services account balance is paid in full.
- (d) Tax Liens:
 - (1) When service charges for water are not paid, the Director of Finance shall certify them, together with any penalties and late fees, to the County Auditor. The County Auditor shall place the certified amount on the real property tax list and duplication against the property in the manner prescribed by ORC 743.04. The amount placed on the tax list and duplicate shall be a lien on the property served from the date placed on the list and duplicate and shall be collected in the same manner as other taxes, except that, notwithstanding ORC 323.15, the County Treasurer shall accept a payment in such amount when separately tendered as payment for the full amount of such unpaid service charges for water and associated penalties. The lien shall be released immediately upon payment in full of the certified amount.
 - (2) The Director of Finance shall not certify to the County Auditor, and the County Auditor shall not place upon the tax list and duplicate as a charge against the

property the amount of any unpaid service charges together with any penalties if any of the following apply:

- (A) The property served by the connection has been transferred or sold to an electing subdivision, as defined in ORC 5722.01, regardless of whether the electing subdivision is still the owner of the property, and the unpaid service charges together with any penalties have arisen from a period of time prior to the transfer or confirmation of sale to the electing subdivision;
- (B) The property served by the connection has been sold to a purchaser at sheriff's sale or auditor's sale, the unpaid service charges together with any penalties has arisen from a period of time prior to the confirmation of sale, and the purchaser is not the owner of record of the property immediately prior to the judgment of foreclosure nor any of the following:
 - (i) A member of that owner's immediate family;
 - (ii) A person with a power of attorney appointed by that owner who subsequently transfers the land to the owner;
 - (iii) A sole proprietorship owned by that owner or a member of that owner's immediate family;
 - (iv) A partnership, trust, business trust, corporation or association of which the owner or member of the owner's immediate family owns or controls directly or indirectly more than fifty percent (50%).
- (C) The property served by the connection has been forfeited to the State of Ohio for delinquent taxes, unless the owner of record redeems the property.
(Source: 743.04)

- (e) Other Actions at Law: The City may also collect by action in law, from any owner, tenant or other person who is liable to pay the water service charges.

(Ord. 1984-37. Passed 9-17-84; Ord. 1987-19. Passed 6-1-87; Ord. 2010-10. Passed 4-19-10; Ord. 2017-26. Passed 11-20-17

FRANKLIN CODIFIED ORDINANCE

Chapter 911 – Water Service

911.10 Service Application and Deposit Requirements

(a) Service Application: Application for water service shall be made by the record title owner of the ~~premises, property or~~ a tenant ~~or occupant of leased premises on the property~~. Prior to service being rendered, ~~one of the below-listed alternatives~~ items shall be complied with:

- (1) The owner or tenant of the premises, as applicable, shall sign a service agreement, stating he or she ~~that the owner~~ is responsible for ~~and shall pay~~ payment of all water services rendered to the premises. ~~The bills shall be sent to the owner, tenant or occupant, as the owner shall direct.~~
- (2) ~~In the alternative, the tenant or occupant of any leased or rented premises shall deposit with the Utility Billing Administrator a fee to assure payment for water service in accordance with the following schedule of deposit fees:~~

~~(A) Each dwelling unit \$100.00.~~

~~(B) All other users \$100.00 for each 1,333 cubic feet, as measured by the water meter, estimated to be used in a one month period.~~

If a tenant of the premises signs a service agreement providing he or she is primarily responsible for payment of water utility services to the premises, water utility bills shall be sent directly to the tenant. The tenant shall also deposit with the Utility Billing Administrator a fee to assure payment for water service according to the following schedule of deposit fees:

(A) \$100.00 per dwelling unit in the case of residential property.

(B) \$100.00 for each 1,333 cubic feet, as measured by the water meter, estimated to be used in a one-month period, in the case of all property other than residential property.

The owner of the leased premises shall also be liable for water service charges in the event of nonpayment by the tenant. The owner shall have the option of submitting an additional deposit with the Utility Billing Administrator, according to the above schedule of deposit fees, for the purpose of assuring payment for water service to the leased premises.

- (3) The required service agreement ~~or~~ and any security deposit~~s~~ shall be received by the Utility Billing Administrator before service shall be provided.

(b) Security Deposits.

- (1) Depositors whose accounts, including relocations within the City, were opened after January 1, 1980, that have not been charged for delinquencies or late payments for eight consecutive quarters (2 years) shall receive, upon request, a refund equal to the full amount of the water security deposit made. Depositors who fulfill the requirements of receiving a refund of their water security deposit shall not be required to make an additional deposit should they relocate within the City limits. *The City may, in its discretion, require the depositor to submit a water security deposit in the event the depositor subsequently fails to timely pay any water service bill.*
- (2) All security deposits required under this Section shall be placed in a separate fund and used for no other purpose than to offset any unpaid bills. Upon cessation of water services, any unpaid amounts may be deducted from the security deposit before the balance is returned to the depositor. ~~The posting of the deposit and the use of the deposit to offset unpaid amounts shall not relieve the depositor of the liability for amounts due in excess of the security deposit.~~ *The depositor shall receive no interest on the deposit.*
- (3) If water service is discontinued under Section 911.09, the security deposit(s) may be applied to the delinquency.
- (4) ~~The depositor shall receive no interest on the deposit.~~ *The posting of a deposit and the use of the deposit to offset unpaid amounts shall not relieve the depositor of liability for amounts due in excess of the security deposit. In the event the security deposit does not satisfy a delinquent account in full, the owner of the property, and the tenant of the leased premises, if applicable, shall be responsible for payment of the remaining outstanding debt.*

(5) In the case of a delinquent account serving leased premises for which both the owner and tenant have submitted water security deposits, the City retains the right to draw from either, or both, of the deposits made by the owner and the tenant.

- (c) Liability for Unpaid Service: The owner of the property *at the time water utility bills were incurred, any tenant of the leased premises responsible for incurring water utility bills, and any subsequent individual(s) who take ownership of the property while any water utility bills remain delinquent and outstanding*, as well as the lessee, tenant or occupant, shall be *jointly and severally* liable to the City for unpaid charges made for such *outstanding services charges*, in accordance with Section 911.09.

(Ord. 1984-37. Passed 9-17-84; Ord. 2000-61. Passed 1-15-01; Ord. 2010-10. Passed 4-19-10; Ord. 2017-26. Passed 11-20-17.)

FRANKLIN CODIFIED ORDINANCE

Chapter 919 – Sewer Rental

919.03 Billing, Penalties, Late Fees and Denial of Service

- (a) Monthly Billing: Monthly bills shall be paid on or before the last business day of the month ("the due date"). If the last business day of the month falls on a holiday, the monthly bill shall be paid on or before the day preceding the last business day of the month. The Finance Director shall establish, for the Utility Billing Division, Department policies and procedures providing fair and reasonable opportunity for resolution of any billing disputes.
- (b) Penalties and Late Fees: Any monthly bill not paid on or before the due date shall be assessed a ten percent (10%) penalty. If the bill is not paid within thirty (30) days of the due date, a late charge of one and one-half percent (1.5%) shall be added for each month or portion of a month that the amount due remains outstanding. For any bill outstanding after the due date, a notice shall be sent to the customer indicating that the water may be shut off (as the sewer charge is based on the water used) without further notice.
- (c) Denial of Service:
- (1) As of July 15, 1981, water and sewer service maybe denied to any premises shut off for indebtedness until the same is fully paid. This section shall be applied regardless of whether there has been a change of ownership or possession of the premises or a change in the name in which the service account is carried.
- (2) Any individual liable for a delinquent sewer services account with respect to any premises within the City may be denied sewer service at any other premises in the City until the total outstanding sewer services account balance is paid in full.
- (d) Tax Liens: When service charges for sewer are not paid, the Director of Finance shall certify them, together with any penalties and late fees, to the County Auditor in the same manner as unpaid water service charges under Section 911.09. The County Auditor shall place the certified amount on the real property tax list and duplication against the property in the same manner. The amount placed on the tax list and duplicate shall be a lien on the property served from the date placed on the list and duplicate and shall be collected in the same manner as other taxes, except that, notwithstanding ORC 323.15, the County Treasurer shall accept a payment in such amount when separately tendered as payment for the full amount of such unpaid service charges for sewer and associated penalties. The lien shall be released immediately upon payment in full of the certified amount.
- (e) Other Actions at Law: The City may also collect by action in law from any owner, tenant, or other person who is liable to pay the service charges
- (Ord. 1981-04. Passed 4-6-81; Ord. 2008-08. Passed 3-3-08; Ord. 2017-26. Passed 11-20-17.)

Statutory reference:

Sewerage rates or charges of rent, see ORC 729.49

FRANKLIN CODIFIED ORDINANCE

Chapter 919 – Sewer Rental

919.05 Service Application and Deposit Requirements

(a) Service Application. Application for sewer service shall be made by the record title owner of the premises, property or a tenant ~~or occupant~~ of leased premises on the property. Prior to service being rendered, ~~one of the below-listed alternatives~~ items shall be complied with.

- (1) The owner or tenant of the premises, as applicable, shall sign a service agreement, stating he or she ~~that the owner~~ is responsible for ~~and shall pay~~ payment of all sewer services rendered to the premises. ~~The bills shall be sent to the owner, tenant or occupant, as the owner shall direct and with the concurrence of the Utility Billing Administrator.~~
- (2) ~~In the alternative, the tenant or occupant of any leased or rented premises shall deposit with the Utility Billing Administrator a fee to assure payment for sewer service in accordance with the following schedule of deposit fees:~~

~~(A) Each dwelling unit \$100.00.~~

~~(B) All other users \$100.00 for each 1,333 cubic feet, as measured by the water meter, estimated to be used in a one month period.~~

If a tenant of the premises signs a service agreement providing he or she is primarily responsible for payment of sewer utility services to the premises, sewer utility bills shall be sent directly to the tenant. The tenant shall also deposit with the Utility Billing Administrator a fee to assure payment for water service according to the following schedule of deposit fees:

(A) \$100.00 per dwelling unit in the case of residential property.

(B) \$100.00 for each 1,333 cubic feet, as measured by the water meter, estimated to be used in a one-month period, in the case of all property other than residential property.

The owner of the leased premises shall also be liable for sewer service charges in the event of nonpayment by the tenant. The owner shall have the option of submitting an additional deposit with the Utility Billing Administrator, according to the above schedule of deposit fees, for the purpose of assuring payment for sewer service to the leased premises.

- (3) The required service agreement ~~or~~ *and any* security deposit~~s~~ shall be received by the Utility Billing Administrator before service shall be provided.

(b) Security Deposits:

- (1) Depositors whose accounts, including relocations within the City, were opened after January 1, 1980, that have not been charged for delinquencies or late payments for eight consecutive quarters (2 years) shall receive, upon request, a refund equal to the full amount of the sewer security deposit. *The City may, in its discretion, require the depositor to submit a sewer security deposit in the event the depositor subsequently fails to timely pay any water service bill.*
- (2) All security deposits required under this section shall be placed in a separate fund and used for no other purpose than to offset any unpaid bills, or returned to the depositor upon cessation of services, after deduction of any unpaid balance. ~~The posting of the deposit and the use of the deposit to offset unpaid amounts shall not relieve the depositor of any liability for amounts due in excess of the security deposit.~~ *The depositor shall receive no interest on the deposit.*
- (3) If sewer service is discontinued under Section 919.04, the security deposit (s) may be applied to the delinquency.
- (5) ~~The depositor shall receive no interest on the deposit.~~ *The posting of a deposit and the use of the deposit to offset unpaid amounts shall not relieve the depositor of liability for amounts due in excess of the security deposit. In the event the security deposit does not satisfy a delinquent account in full, the owner of the property, and the tenant of the leased premises, if applicable, shall be responsible for payment of the remaining outstanding debt.*

- (c) Liability for Unpaid Service: The owner of the property *at the time sewer utility bills were incurred, any tenant of the leased premises responsible for incurring sewer utility bills, and any subsequent individual(s) who take ownership of the property while any sewer utility bills remain delinquent and outstanding,* as well as the lessee, tenant or occupant, shall be *jointly and severally* liable to the City for unpaid charges made for such *outstanding* services *charges*, in accordance with Section 919.03.

(Ord. 1980-41. Passed 11-3-80; Ord. 1984-38. Passed 9-17-84; Ord. 2000-62. Passed 1-15-01; Ord. 2008-08. Passed 3-3-08; Ord. 2017-26. Passed 11-20-17.)

Legislative Cover Memo

Introduction: November 15, 2021

Public Hearing: December 6, 2021

Effective Date: January 5, 2022

Agenda Item: **Ordinance 2021-29**
AMENDING CHAPTER 1103, DEFINITIONS, CHAPTER 1107 DISTRICTS AND LAND USE STANDARDS, CHAPTER 1109 OVERLAY DISTRICTS, CHAPTER 1111 DEVELOPMENT REQUIREMENTS AND STANDARDS AND CHAPTER 1115 PROCESS AND PROCEDURES OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE

Submitted by: Barry Conway, City Engineer

Scope/Description: This Ordinance would amend Section 1103.01, Definitions, Section 1107.03, Commercial Districts, Section 1107.05, Industrial Districts, Section 1109.05, Planned Unit Development Overlay District, Section 1111.08, Sign Requirements and Standards and Section 1115.08, Site Plans of the Unified Development Ordinance.

Vote Required for Passage: Per Section 4.12 of the City Charter, the passage, amendment, or rejection of this Ordinance requires the affirmative vote of not less than four members of the Council.

Exhibits: Exhibits A, B, C, D, E and F.

Recommendation: These amendments originated at Planning Commission, who held a public hearing on the proposed changes at its November 8, 2021 meeting. At that meeting, Planning Commission voted unanimously (6-0) to recommend Council approve these amendments.

CITY OF FRANKLIN, OHIO
ORDINANCE 2021-29

**AMENDING CHAPTER 1103, DEFINITIONS, CHAPTER 1107 DISTRICTS AND LAND USE STANDARDS, CHAPTER 1109
OVERLAY DISTRICTS, CHAPTER 1111 DEVELOPMENT REQUIREMENTS AND STANDARDS AND CHAPTER 1115
PROCESS AND PROCEDURES OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE**

WHEREAS, Section 1115.04 of the City's Unified Development Ordinance (UDO) allows amendments to the text of the UDO to be initiated by Planning Commission, upon its own motion;

WHEREAS, the Franklin City Planning Commission initiated, upon its own motion, Planning Commission Case PC-21-12, which would amend UDO Section 1103.01, Definitions, Section 1107.03, Commercial Districts, Section 1107.05, Industrial Districts, Section 1109.05, Planned Unit Development Overlay District, Section 1111.08, Sign Requirements and Standards and Section 1115.08, Site Plans;

WHEREAS, the procedures with regard to amendments to the UDO, as set forth in Section 1115.04 of the UDO have been followed;

WHEREAS, The Franklin City Planning Commission, at its November 8, 2021 regular meeting, voted 6-0 to approve Planning Commission Case No. PC 21-12, recommending Council approval of the proposed text amendments, and

WHEREAS, this Council finds it to be in the best interests of the health, safety and welfare of the City and its inhabitants to adopt Planning Commission's recommendations and make certain amendments to the UDO,

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

Section 1. UDO Section 1103.01, Definitions, Section 1107.03, Commercial Districts, Section 1107.05, Industrial Districts, Section 1109.05, Planned Unit Development Overlay District, Section 1111.08, Sign Requirements and Standards and Section 1115.08, Site Plans are hereby amended, as shown on the attached Exhibits A, B, C, D, E and F.

Section 2. It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

Section 3. This Ordinance shall go into effect on January 5, 2022.

INTRODUCED: November 15, 2021

ADOPTED: December 6, 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 2021-21 passed by that body on December 6, 2021.

Khristi Dunn, Clerk of Council

Approved as to form: _____
Ben Yoder, Law Director

Exhibit A

Chapter 1103.01, Definitions,

Distribution Center. A facility used for receiving, temporarily storing, and distributing of goods according to orders as they are received. Distribution centers serve as a bridge between manufacturers and suppliers by receiving pallet pack and bulk products and redistributing and shipping it to wholesale or retail customers. There is no customer-direct pick-up or access to these facilities.

Fleet Vehicle. A vehicle that is owned or operated by the person, company, or business on the premises, and which is used for purposes of delivery, pick-up, or service to patrons of the primary use. A fleet vehicle may also be a COMMERCIAL VEHICLE, but does not include semi-tractor, semi-trailer, any non-recreational trailer used for commercial purposes, or any heavy construction equipment.

Fulfillment Center. A third-party logistics warehouse that receives products and goods from suppliers, processes orders from e-commerce retailers, and ships products directly to individual consumers.

General Industry. An industrial establishment that provides, as its PRIMARY ACTIVITY, space for the assembly, manufacturing, processing or warehousing of goods or products, and which typically involve external impacts such as noise, dust, smoke, fumes, odors, heavy truck and/or rail traffic or other objectionable characteristics. Such use may have outdoor storage and/or operation space and comprises a part of use groups F-1, F-2, H- 1, H-2, H-3, H-4 or H-5 of the Ohio Building Code. Examples of such uses include goods produced by factory assembly, paper mills, fabrication and assembly of metal products. **General Industry does not include junkyards, recycling centers, recycling plants, salvage/scrap yards, scrap metal processing facilities, and uses of similar intensity.**

Warehouse (Secondary Use). A secondary use to an industrial or commercial use where raw materials, parts, or finished manufactured goods may be stored before their export or distribution for sale. Such storage must be within a building.

Warehouse (Primary Use). Storage of raw materials, parts, or finished manufactured goods associated before their export or distribution for sale. The warehouse is staffed, and goods leave and enter the warehouse at a minimum on a weekly basis.

~~**Wholesale Business.** A commercial establishment that provides, as its PRIMARY ACTIVITY, storage, break-of-bulk and distribution operations to other commercial establishments. Such use may have some outdoor storage space and comprises a part of use group S of the Ohio Building Code. Examples of such uses include truck terminals and warehouses.~~

Exhibit B

Chapter 1107.03, Commercial Districts,

- (a) C-1: General Commercial District: The intent of the C-1 General Commercial District is to provide for general commercial activity, including a wide range of goods and services that will serve the region. This District is intended to be concentrated around transportation nodes (such as the intersections of primary arterial streets).
- (b) C-2: Community Commercial District: The intent of the C-2 Community Commercial District is to provide for low-intensity retail uses providing primarily convenience goods and personal services for residential areas with good access to primary and secondary arterial streets.
- (c) C-3: Central Commercial District: The intent of the C-3 Central Commercial District is to provide for commercial, office, institutional and limited residential uses at a relatively high intensity. This District is intended to be located at the historic center of the City along Main Street, from Riley Blvd. to River Street, and from First Street to Sixth Street.
- (d) Development Standards: Development standards for each of the Commercial Districts are listed in Table 6.
- (e) Permitted, Prohibited and Conditional Uses: Permitted, prohibited, accessory, and conditional uses for each Commercial District are listed in Table 7.
- (f) Additional Use Regulations: The following additional standards shall apply to uses listed in table 7.
 - (1) Business Service: If located in a Commercial Zoning District the services must be completed offsite.
 - (A) No trailer, camper, manufactured housing unit, modular office trailer or industrialized units shall be placed on the property for any purpose without Planning Commission approval, except related to construction work that requires an active building permit.
 - (B) Fleet vehicle parking shall be to the side or rear of the property on a striped asphalt or concrete paved surface.
 - (C) Fleet vehicle parking areas shall be screened by landscaping and or fencing along all sides visible from the public right of way and from adjoining residential property.
 - (D) No junk, inoperative, or unlicensed automobiles, or parts, shall be permitted on the property.
 - (E) No outdoor storage of any material or waste shall be permitted on site.

TABLE 6: Commercial Districts Lot and Dimensional Requirements

Commercial Lot and Dimensional Requirements						
District/Use	Minimum lot size (sq. ft.)	Min. Front Setback (ft.)	Min. Side Setback One Side/ Total (ft.)	Min. Rear Setback (ft.)	Min. Lot Width (ft.)	Max. Height (ft.)
PERMITTED PRINCIPAL USES						
C-1	*	35	0^	0^	—	35 †
-adj. to residential	*	35	10	30	—	35 †
C-2	*	35	0^	0^	—	25 †
-adj. to residential	*	35	10	25	—	25 †
C-3 (commercial, office)	*	0	0^	0^	—	25 †
-adj. to residential	*	As determined by Planning Commission	—	25 †		
C-3 (single family resid)	4,000	15	4:10	20	40/60	N/A
C-3 (zero lot line)	As determined by Planning Commission as a part of the PUD/PRCD					N/A
O/I	*	35	0^	0^	—	35 †
-adj. to residential	*	35	0^	0^	—	35 †
ACCESSORY USES						
Antennas & Towers	—	—	5	5	—	—
Decks, Patios & Porches	—	10	5	5	—	—
Detached Garages & Storage Sheds	—	—	3	3	—	—
Dish Antenna	Must be in rear			5	—	15 ft.
Fences**	—	ROW line	—	—	—	6 ft.
Fences, Barbed-Wire	—	ROW line	—	—	—	^^
Gazebos	—	—	5	5	—	—
Swimming Pools []	—	—	10	10	—	—

* No minimum lot size, but must meet all other requirements.

† When a building is more than 25 feet in height, an additional foot of rear yard is required for each additional 2 feet in height. Any building that exceeds maximum height shall only be allowed as a conditional use.

^ Setbacks may be needed to meet the landscaping and parking requirements of this UDO.

** See special requirements for corner lots.

^^ Must be at least six feet from ground.

[] Private, Accessory to Principal Use only.

TABLE 7: Uses in the Commercial Districts

Type of Use	Commercial District		
	C-1	C-2	C-3
General Sales or Services			
Antennas & Towers	A	A	A
Bar, Lounge, Tavern	P	Pr	C
Business Professional	P	P	P
Business Retail	P	P	P
<u>Business Services</u>	<u>C</u>	<u>C</u>	<u>C</u>
Commercial Training	P	P	P
Consumer Retail	P	C	P
Convenience Food Store	P	C	C
Decks, Patios & Porches	A	A	A
Detached Garages & Storage Sheds	A	A	A
Dish Antenna	A	A	A
Drive-Thru Retail	P	C	C
Fast Food Restaurants	P	Pr	C
Fences	A	A	A
Fence, Barbed-Wire	A	A	Pr^
Fence, Electric	C	C	Pr[]
Food Related Retail	P	P	P
Food Service/Catering	P	P	P
Gasoline Service Station	C	C	C
Gazebos	A	A	A
General Retail	P	C	C
Grocery Food and Beverage	P	C	C
Health and Personal Care	P	P	P
Hospitals	P	Pr	Pr
Hotels and Motels	P	Pr	C
Large Format Retail	C	Pr	Pr
Medical and Health Related Offices	P	P	P
Medical Center/Clinic	P	P	C
Mortuaries	P	Pr	Pr
Motor Vehicle Oriented Business	C	C	Pr
Personal Service	P	P	P
Restaurants	P	C	P
Secondhand Dealers	P	Pr	Pr
Skilled Nursing Facility	P	P	C
Small Loan Operations*	C	C	Pr
Swimming Pools^^	A	A	A
Variety Store or Price-Point Retailer	C	C	C
Vehicle Dealer	C	C	Pr
Vehicle Repair Services	C	C	Pr
Veterinary Services	C	C	C

Arts, Entertainment, and Recreation			
Commercial Entertainment	P	C	C
Commercial Recreation	C	C	C
Public Recreation	Pr	Pr	C
Education, Public Administration, Health Care & Other Institutional Uses			
Churches	P	P	C
Cultural/Community Facilities	P	P	C
Day Care Centers	C	C	C
Elementary Schools	C	C	C
Junior and Senior High Schools	C	C	C
Colleges and Universities	C	C	C
Health Care and Human Services	C	C	C
Residence or Accommodation			
Dwelling, Single-Family	Pr	Pr	P
Dwelling, Zero-Lot Line	Pr	Pr	P**
Upper Floor Dwelling Units	Pr	C	C

P=Permitted Use, C=Conditional Use, A=Accessory Use, Pr=Prohibited

* Limited to one per 4,000 residents

^ Not prohibited if use is governmental or institutional function; permit required.

[] Not prohibited if use is governmental or institutional function; conditional use permit required.

^^ Private, Accessory to Primary Use.

** Zero Lot Line Dwellings shall only be permitted in the R-4 District as part of an approved PUD or PRCD.

(Ord. 2009-12. Passed 7-6-09; Ord. 2010-05. Passed 3-1-10; Ord. 2011-06. Passed 4-4-11; Ord. 2011-07. Passed 4-4-11; Ord. 2013-09. Passed 6-17-13; Ord. 2013-18. Passed 11-4-13; Ord. 2014-01. Passed 3-17-14; Ord. 2014-17. Passed 1-5-15.)

HISTORY

Amended by Ord. [2021-06](#) on 5/3/2021

Exhibit C

Chapter 1107.05 Industrial Districts,

- (a) I-1: Light Industrial District: The intent of the I-1 Light Industrial District is to provide for industrial and office uses that are not of an intensity to produce objectionable impacts on adjacent development. This District should be located within areas of the City with suitable access to transportation routes and necessary utilities.
- (b) I-2: General Industrial District: The intent of the I-2 General Industrial District is to provide for all industrial uses, including those high-intensity uses that create noticeable impacts on the surrounding area. All uses, however, will be required to operate without causing a risk to the health and welfare of the inhabitants of the City. This District is intended to be located within areas of the City that have suitable access to transportation routes and necessary utilities and that are away from residential uses.
- (c) Development Standards: Development standards for each of the Industrial Districts are listed in Table 10.
- (d) Permitted, Prohibited and Conditional Uses: Permitted, prohibited, accessory, and conditional uses for each of the Industrial Districts are listed in Table 11. **If a box in Table 11 is blank or if a use is not listed in Table 11 as a permitted, accessory, or conditional use, it shall be considered prohibited.**

TABLE 10: Industrial Lot and Dimensional Requirements

Industrial Lot and Dimensional Requirements						
District/Use	Min. Lot Size (acres)	Min. Front Setback (ft.)	Min. Side Setback One Side/Total (ft.)	Min. Rear Setback (ft.)	Min. Lot Width (ft.)	Max. Height (ft.)
Permitted Principal Uses						
I-1	*	35	15	15	200	45 †
-adj. to residential	*	50	50	50	200	45 †
I-2	*	25	15	15	200	45 †
-adj. to residential	*	50	100	50	300	45 †
Accessory Uses						
Antennas & Towers	—	—	5	5	—	—
Decks, Patios & Porches	—	10	5	5	—	—
Detached Garages & Storage Sheds	—	—	3	3	—	—
Fences**	—	ROW line	—	—	—	6-10 ft.
Fences, Barbed-Wire	—	ROW line	—	—	—	^

Gazebos	—	—	5	5	—	—
Swimming Pools ^{^^}	—	—	10	10	10	—

* No minimum lot size, but must meet all other requirements.

† When a building is more than 45 feet in height, an additional foot of rear yard is required for each additional 2 feet in height. Any building that exceeds maximum height shall only be allowed as a variance.

** See special requirements for corner lots.

[^] Must be at least six feet from ground.

^{^^} Private, Accessory to Principal Use Only.

TABLE 11: Uses in the Industrial Districts

Type of Use	Industrial District	
	I-1	I-2
Alcohol and Drug Addiction Treatment Facilities	C	C
Ancillary Offices	A	A
Antenna & Towers	A	A
Business Services	P	P
Decks, Patios & Porches	A	A
Detached Garages & Storage Sheds	A	A
Dish Antenna	A	A
Distribution <u>Center</u>	<u>Pr</u> <u>C</u>	P [*] <u>—</u>
Fences	A	A
Fence, Barbed-Wire	A	A
Fence, Electric	C	C
<u>Fulfillment Center</u>	<u>P*</u>	<u>P*</u>
Gazebos	A	A
Gasoline Service Stations	C	C
General Industry	<u>PR</u>	P
<u>Junkyard, Recycling Center, Recycling Plant, Salvage/Scrap Yards or Scrap Metal Processing Facility</u>	<u>PR</u>	<u>PR</u>
Light Industry	P	P
Real Property Services	P	P
Research and Development Facilities	P	P
Self-Service Storage Facility or Mini-Warehouse	C	C
Sexually Oriented Businesses	C	C
Swimming Pools ^{^^}	A	A
Transportation, Communication, Utility	P	P
Vehicle Repair Service	C	C
<u>Warehouse (secondary use)</u>	<u>P*</u>	<u>P*</u>
<u>Warehouse (primary use)</u>		<u>C</u>

<u>Wholesale Business</u>	<u>C</u>	<u>P</u>
----------------------------------	-----------------	-----------------

P=Permitted Use, C=Conditional Use, A=Accessory Use, **PR=Prohibited**

^^ Private, Accessory to Principal Use Only

(*) Indicates permitted uses that have additional use-specific standards.

(e) ***Additional Use Regulations: The following additional standards shall apply to uses listed in table 11.***

(1) ***Distribution Center: In any zoning district in which this use is a conditional or permitted use, all these conditions shall apply:***

- (A) ***No trailer, camper, manufactured housing unit, modular office trailer or industrialized units shall be placed on the property for any purpose without Planning Commission approval, except related to construction work that requires an active building permit.***
- (B) ***Fleet vehicle parking shall be to the side or rear of the property on a striped asphalt or concrete paved surface.***
- (C) ***Fleet vehicle parking areas shall be screened by landscaping and or fencing along all sides visible from the public right of way and from adjoining residential property.***
- (D) ***No junk, inoperative, or unlicensed automobiles, or parts, shall be permitted on the property.***
- (E) ***No outdoor storage of any material or waste shall be permitted on site.***

(2) ***Fulfillment Center: In any zoning district in which this use is a conditional or permitted use, all these conditions shall apply:***

- (A) ***No trailer, camper, manufactured housing unit, modular office trailer or industrialized units shall be placed on the property for any purpose without Planning Commission approval, except related to construction work that requires an active building permit.***
- (B) ***Fleet vehicle parking shall be to the side or rear of the property on a striped asphalt or concrete paved surface.***
- (C) ***Fleet vehicle parking areas shall be screened by landscaping along all sides visible from the public right of way and from adjoining residential property.***
- (D) ***No junk, inoperative or unlicensed automobiles, or parts shall be permitted on the property.***
- (E) ***No outdoor storage of any material or waste shall be permitted on site.***

(3) ***Warehousing (Primary Use): In any zoning district in which this use is a conditional or permitted use, all these conditions shall apply:***

- (A) ***Warehousing is not permitted on a previously undeveloped property. This includes subdividing an existing property to create a***

new buildable lot and demolishing an existing building in order to construct a new warehouse as a primary use.

- (B) *No trailer, camper, manufactured housing unit, modular office trailer or industrialized units shall be placed on the property for any purpose without Planning Commission approval, except related to construction work that requires an active building permit.*
- (C) *No outdoor storage of any material or waste shall be permitted on site.*

(4) *Warehousing (Secondary Use): In any zoning district in which this use is a permitted secondary use, all these conditions shall apply:*

- (A) *Warehousing is allowed as a secondary use to retail, manufacturing, or industrial uses on the same property.*
- (B) *Secondary warehousing shall not exceed 35% of the total building area, unless specifically approved by Planning Commission.*
- (C) *No trailer, camper, manufactured housing unit, modular office trailer or industrialized units shall be used on the property for any purpose without Planning Commission approval, except related to construction work that requires an active building permit.*

(Ord. 2009-12. Passed 7-6-09; Ord. 2013-18. Passed 11-4-13; Ord. 2014-01. Passed 3-17-14; Ord. 2015-11. Passed 7-6-15; Ord. 2017-01. Passed 2-6-17.)

HISTORY

Amended by Ord. [2018-08](#) on
5/21/2018 Amended by Ord. [2018-19](#)
on 11/5/2018

Exhibit D

Chapter 1109.05 Planned Unit Development Overlay Districts,

(a) Purpose:

- (1) The Planned Unit Development (PUD) Overlay District is intended to permit development that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures, diversified building heights and types, and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic; to provide attractive recreation and open spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning. The PUD Overlay District under this Section will allow for flexibility of overall development design with benefits to the developer and the community, while at the same time maintaining the standards or use requirements set forth in the underlying basic zoning district.
- (2) The PUD Overlay District may also be used to accommodate the development or redevelopment of parcels consistent with the design principles of traditional neighborhoods and conservation subdivisions. Traditional neighborhood development means a consolidated, mixed-use neighborhood where residential, commercial and civic buildings are within close proximity or walking distance to each other. A conservation subdivision means a housing development in a rural setting that is characterized by reduced size lots and common open space and where natural features of land are maintained. Such proposed developments may be considered for approval at locations and with conditions that the City determines to be appropriate for the development and the surrounding area.

- (b) Permitted Uses: ~~Uses permitted in the underlying basic use district are permitted uses in the PUD district.~~ **Any use may be allowed within a PUD Overlay District subject to the approval of Planning Commission and City Council.** Individual structures shall comply with specific building area requirements of the underlying basic use district, and shall meet setbacks as required, **unless specifically approved otherwise** by the Planning Commission.

Exhibit E

Chapter 1111.08 Sign Requirements and Standards,

TABLE 27: Sign Regulations Applicable in All Districts^a

Sign Type	Per Unit	Per Street Front	Maximum Height (Ft.)	Maximum Sign Area	Min. Setback from Right-of-way
SCHOOLS, PARKS, CHURCHES, LIBRARIES, CEMETERIES AND PUBLIC USES					
Monument	—	1 †	6	36 sq. ft.	10*
Wall	—	1 †	—	20 sq. ft.	—
PARKING LOTS AND OUTDOOR COMMERCIAL RECREATION FACILITIES					
Monument	—	1	6	36 sq. ft.	—

* Or as otherwise approved by Planning Commission or the Zoning Official, as applicable.

† Only one wall sign or one monument sign shall be allowed per streetfront.

^aIf a Use is a Permitted Use in a Particular District utilize the Sign Code for that particular District.

Exhibit F

Chapter 1115.08 Site Plans.

1115.08(h)(3)Design Standards: The following design standards shall be used for Major Site Plan development to which this section is applicable:

- (A) All building elevations shall consist of tripartite configuration consisting of a base or foundation; a middle or modulated wall; and a top portion formed by a pitched roof or articulated cornice.
- (B) All building elevations shall be articulated in a manner to avoid an uninterrupted appearance through the use of windows, doors, offsets or a change in materials.
- (C) The following building materials are permitted for use under this section:
 - (i) Residential-scale brick using non-glazed finishes;
 - (ii) Natural stone material;
 - (iii) Natural and natural-based wood materials, excluding T- 111 or similar materials;
 - (iv) Exterior insulation and finish systems (EIFS) above the pedestrian level;
 - (v) Split-face concrete masonry unit (CMU) on exposed foundations and using colors embedded into the material;
 - (vi) **Unless specifically modified by Planning Commission:** (Glass only for doors and windows. Curtain walls are not permitted);
 - (vii) Metal cladding for use as roofing material; and
 - (viii) Concrete siding designed to share an appearance of wood siding such as Hardiboard or Hardiplank.

Charter Review Cover Memo

Agenda Item: Review proposed amendments to City of Franklin Charter.

Submitted by: Ben Yoder (Bricker & Eckler LLP), Law Director

The City of Franklin has been working on a comprehensive update of the City Charter. Bricker & Eckler LLP, in its capacity as the City's Law Director, has reviewed the Charter; collected input from City staff, the Civil Service Commission, and the Charter Review Commission; and compiled all suggested changes into one document. A "redline" between the current version of the Charter and the proposed amended version is attached to this Cover Memo for City Council's review. Comments explaining the thoughts behind each suggested change are placed in the margins of the document.

While there appear to be a lot of suggested changes, most of the edits fall into a handful of broad categories:

- Non-substantive, typographical changes to make terms consistent as used throughout the Charter (e.g. changing all "City Clerk" references to "Clerk of Council");
- Elimination of provisions that were relevant at the time the Charter was adopted, but are no longer necessary (for conciseness);
- Non-substantive changes throughout to clarify/simplify confusing language, and reorganize Charter provisions to keep similar subject matter together;
- Changes throughout to omit newspaper publication requirements, which would allow staff to publish notices in other media formats (i.e. on the City's website);
- Elimination of restrictions/requirements related to Council's power to acquire and dispose of real estate (the Revised Code doesn't contain such restrictions); and
- Changes to election ballot submission deadlines to bring the City's deadlines in line with the timing requirements followed by the vast majority of other jurisdictions in Warren County (a change requested by the Board of Elections).

The purpose of this Work Session is to walk through the proposed changes and thoughts behind each change, and discuss any questions and comments Council may have about the proposed Charter amendments.

Exhibits: Redline between current Charter version and proposed Charter amendments.

CHARTER

OF THE

CITY OF FRANKLIN, OHIO

EFFECTIVE – JANUARY 1, 1984

1 BENJAMIN FRANKLIN WAY
FRANKLIN, OHIO

Updated May 2009, November 2012, November 2017 ~~&~~ April 2019
& April 2022

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EDITOR'S NOTE: The Charter for Franklin, Ohio, was adopted at an election on June 7, 1983.
The Charter becomes effective on January 1, 1984.

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FRANKLIN CITY CHARTER

PREAMBLE

We, the people of Franklin, Ohio, desirous of securing for our Municipality and for ourselves and our children the advantages of self-government conferred by the Ohio Constitution, do hereby ordain and establish the following Charter.

ARTICLE I
NAME, BOUNDARIES; FORM OF GOVERNMENT

~~S1-01~~ 1.01 NAME AND BOUNDARIES.

The City of Franklin, Ohio, within the corporate limits as established at the time of the adoption of this Charter, or as thereafter established in the manner provided by law, shall be and continue to be a municipal corporation under the name of "Franklin". The corporation will hereinafter be referred to as "the City".

~~S1-02~~ 1.02 FORM OF GOVERNMENT.

The form of government provided in this Charter shall be known as the "Council-Manager Plan". The powers and functions of the municipal government shall be distributed among the City, its citizens and the various officers, bodies, boards and commissions as provided in this Charter.

ARTICLE II
CORPORATE POWERS

2.01 POWERS GRANTED.

The City shall have all the powers, general or special, governmental or proprietary, that may now or hereafter lawfully be possessed or exercised by municipal corporations under the Constitution and laws of the State of Ohio.

Author:cshe Subject:Note Date:11/12/2021 12:01:12 PM

There were references throughout the Charter to "the Council" and "Council." For consistency of terms, all references to City Council were changed to "Council" (omitting the "the").

Author:cshe Subject:Note Date:11/12/2021 12:01:31 PM

The omitted provision was relevant at the time the Charter was adopted but we don't need this in here anymore.

2.02 MANNER OF EXERCISE OF POWERS.

All such powers shall be exercised in the manner prescribed in this Charter, or if not prescribed herein, in such manner as shall be provided by ordinance or resolution of ~~the~~ Council, and when not prescribed in this Charter or provided by ordinance or resolution of Council, then such powers shall be exercised in the manner provided by the general laws of the State of Ohio until ~~the~~ Council shall provide a different manner of exercising such powers.

2.03 CONSTRUCTION.

The powers of the City under this Charter shall be construed liberally in favor of the City, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power stated in this Article.

2.04 INTERGOVERNMENTAL RELATIONS.

The City may exercise any of its powers or perform any of its functions jointly and in cooperation, by contract or in any other manner, with any one or more states, or civil divisions, subdivision or agencies thereof, or the United States or any agency thereof. ~~The~~ Council shall have full power to provide for the participation of the City in any method of financing any joint undertaking with any such state or states or civil divisions, subdivisions or agencies of such state or states or the United States Government or any agency thereof. In implementing this section of the Charter, ~~the~~ Council shall act by ordinance or resolution and shall not be limited in the manner of exercising this power by any other provisions of this Charter.

ARTICLE III COUNCIL

3.01 COMPOSITION, ELIGIBILITY, ELECTION AND TERMS.

- (a) Composition. There shall be a City Council of seven (7) members elected by the electors of the City at large.
- (b) Eligibility. Only electors of the City shall be eligible to hold the office of councilperson.
- (c) Election and Terms.
~~(4) The four (4) persons elected from the City at large at the November 1983 election to serve as members of the Council of the City are hereby designated as members of the Council under this Charter, with all powers, duties and functions of members of Council under this Charter effective January 1, 1984.~~

Author:csfher Subject:Note Date:11/12/2021 12:01:59 PM

This references compensation relevant to the first City Council, so it's not longer necessary.

Author:csfher Subject:Note Date:11/12/2021 12:04:50 PM

This provision likely violates Ohio ethics laws. As currently written, Council members who will be mid-term at the next regular Council election may authorize an increase in Council member compensation and all members (both new members and those mid-term members) will receive the increased compensation.

There are numerous OAG opinions holding that government officials are prohibited from authorizing an increase in their salaries.

Additionally, R.C. 102.03(D)-(E) prohibits City officials from accepting or authorizing an increase in compensation to which they are entitled in their next term of office after knowing that they have been reelected to the office by prior to beginning their new term.

Author:csfher Subject:Note Date:11/12/2021 12:06:02 PM

Compensation for Chairperson would be easier to handle through the City's salary ordinances (greater flexibility to change this amount).

~~(2) The three (3) persons who are serving a term of office expiring December 31, 1985 as members of the Council of the City under the special statutory plan of government known as the "City Manager Plan", pursuant to Chapter 705 of the Ohio Revised Code on December 31, 1983, are hereby designated as members of the Council under this Charter, with all powers, duties and functions of members of Council under this Charter effective January 1, 1984, for the remainder of the terms to which they were previously elected or appointed.~~

~~(3)(1)~~ At the regular municipal election to be held in 1983 and every four (4) years thereafter, four (4) members of ~~the~~ Council shall be elected from the City at large for terms of office of four (4) years commencing on the first day of January following their election.

~~(2)~~ ~~(4)~~ At the regular municipal election to be held in 1985 and every four (4) years thereafter, three (3) members of ~~the~~ Council shall be elected from the City at large for terms of office of four (4) years commencing on the first day of January following their election.

3.02 COMPENSATION AND EXPENSES.

~~Members of Council initially serving under this Charter shall be paid two thousand dollars (\$2,000) annually, and thereafter the Council may determine the salary of members of Council by ordinance, but no ordinance changing such salaries shall become effective until the date of the commencement of the terms of Council members elected at the next regular election, provided that such election is held at least one hundred eighty (180) days after the adoption of such ordinance, and such revised. Any increase in compensation shall be paid to apply to those members of the Council, regardless of whether such members are in mid-term elected after the effective date of the ordinance. Members of Council shall receive their actual and necessary expenses incurred in the performance of their duties of the office as approved by Council. After five (5) absences from regular Council meetings in any calendar year, two per cent (2%) of the Council member's annual salary shall be deducted from his or her pay for each meeting missed. In addition to compensation received as a Council member, the Chairperson serving under this Charter shall receive an additional five hundred dollars (\$500) annually as compensation.~~

3.03 POWERS OF COUNCIL.

All legislative power of the City shall be vested in ~~the~~ Council, except as otherwise provided by this Charter and the Constitution of the State of Ohio. Without limitation of the foregoing, ~~the~~ Council shall have and possess the following powers:

- (a) The power to levy taxes and incur debts subject to the limitations imposed thereon by this Charter.
- (b) The power to adopt and to provide for the enforcement of local police, sanitary and other similar regulations as are not in conflict with general laws.
- (c) The power to provide for the exercise of all powers of local self-government granted to the City by the Constitution of the State of Ohio in a manner not inconsistent with this Charter or the Constitution of the State of Ohio.
- (d) The power to fix the number of employees in the various offices, departments, divisions, bureaus, boards and commissions of the City and to fix the rate of their compensation, hours of work, and to provide such other fringe benefits as deemed proper by ~~the~~ Council.

Author:cshe Subject:Note Date:11/12/2021 12:06:24 PM

This provision is very specific as to what Council can and can't do in terms of authorizing the construction of public utilities. If federal/State laws change, such that Council has expanded authority in this area, Council's powers will continue to be limited by this provision.

It's better to be more general in terms of Council powers to avoid unnecessarily limiting the City's authority down the road

Author:cshe Subject:Note Date:11/12/2021 12:07:01 PM

Similar to the above comment, this provision unnecessarily limits Council's powers with respect to the sale and lease of real estate. Art. XVIII of the Ohio Constitution generally empowers a municipality to convey/lease real property it no longer needs.

Note here (and elsewhere in the Charter) that, if the City chooses to adopt this amendment in an effort to simplify its real estate disposition procedures, the City will need to adopt further revisions to its Codified Ordinances to eliminate unnecessary public notice/publication and competitive bidding requirements.

(e) The power to require such bonds as in the opinion of ~~the~~ Council are necessary for the faithful discharge of the duties of the officers and employees of the City. The premium for said bonds shall be paid by the City.

(f) The power to create other offices, departments, divisions, bureaus, boards and commissions; and the power to combine, change and abolish any office, department, division, bureau, board or commission established by Council. The power hereinabove expressed in this subsection shall be exercised by ordinance or resolution and upon the concurrence of a majority of the members of Council.

(g) ~~The~~ Council shall have the power to establish, ~~any~~by ordinance or resolution, the rates of charges ~~made of~~assessed to consumers of ~~all~~municipal utilities and services.

(h) ~~The~~ Council, in addition to all other rights and powers granted to it under the general laws, may by ordinance or resolution, grant permission to any person, firm or corporation to construct and operate a public utility on, across, under or above any public street or ground within the City. ~~It may prescribe in the ordinance or resolution the kind and quality of service of product to be furnished, the rate or rates to be charged therefor, and any other terms conducive to the public interest; provided that such grant of permission shall not extend beyond twenty-five (25) years; however, such grant may be amended or renewed in the manner and subject to the provisions established by this Charter for original grants, and except that a grant of a franchise for the operation of a utility granted with respect to the issuance of bonds by the City may be for a term in excess of twenty-five (25) years and for such time as any bonds or notes are outstanding.~~No consent of the owners of property abutting on any public street or ground shall be necessary to the effectiveness of any such grant, amendment or renewal. All such grants, amendments or renewals shall be made subject to the continuing right of ~~the~~ Council to provide reasonable regulations for adequacy of service and maintenance and the operation of such utilities with reference to such streets and public grounds, including the right to require such reconstruction, relocation or discontinuance of appliances, plant or equipment used in such street or public grounds as shall, in the opinion of Council, be necessary in the public interest.

(i) The power to acquire title to or interests in real property shall be vested in ~~the~~ Council, whether such property is acquired by: the exercise of the power of eminent domain, purchase, gift, lease, devise, bequest, in trust, or otherwise. The power to sell or otherwise convey, ~~lease, or grant interests in real property shall be vested in the Council. Such sale, conveyance, lease or grant, shall be in the manner provided by the ordinance authorizing the sale, conveyance, lease, or grant provided that real estate shall not be sold or leased except to the highest and best bidder after competitive bids have been received pursuant to a notice of the proposed sale or lease published once a week for four (4) consecutive weeks in a newspaper of general circulation in the City. Written notice of intent to sell or lease real property shall be posted on the real estate to be sold or leased in a conspicuous location on such property and shall remain posted for four (4) consecutive weeks. The requirement that real estate be sold or leased only after competitive bidding may be waived upon the vote of at least five (5) members of the Council provided, however, that the Council shall give notice of its intent to dispense with competitive bidding by publication of such intent in the manner prescribed herein and by the reading of such intent at two consecutive regular Council meetings. Notwithstanding any other provision of this section, property may be sold or leased to the United States, the State of Ohio, or any governmental unit or agency thereof, without competitive bidding, by ordinance upon the vote of at least five (5) members of or lease real property which is owned by the City and no longer needed for municipal purposes shall be vested in Council. (Ord 17-17, 11-17-17; passed by electorate 11-1717, eff. 1-1-18)~~

- (i) To exercise all other powers granted to ~~the~~ Council by this Charter and by the Constitution and laws of the State of Ohio.

3.04 CHAIRPERSON; POWERS AND DUTIES.

~~(k).~~ Members of ~~council~~Council at its first meeting annually shall select from its membership a Chairperson and a Vice-Chairperson. ~~Council may designate titles for such officers as either president and vice president, chairperson and vice chairperson, or mayor and vice mayor.~~

who shall be designated as the Mayor and Vice-Mayor. **3.04 CHAIRPERSON; POWERS AND DUTIES.**

The Chairperson shall be a Council member and have the right to vote on all matters and issues before ~~the~~ Council, but shall have no veto power. In addition to the powers, rights and duties as a ~~council~~Council member as herein provided, the Chairperson, when present, shall preside at meetings of ~~the~~ Council, shall be recognized as head of the municipal government for all ceremonial and non-administrative purposes, by the Governor for the purposes and military law, and by the Court for civil processes involving the City. The Chairperson shall perform all other duties prescribed for the office by this Charter and by ordinance or resolution of ~~the~~ Council to the extent they are consistent with the provisions of this Charter. The Vice-Chairperson, during absences or disabilities of the Chairperson, shall serve as Chairperson.

3.05 PROHIBITIONS.

- (a) Holding Other Office. Except where authorized by law or by this Charter, no Council member shall hold any other elected office or City employment during the terms for which he or she was elected to ~~the~~ Council.
- (b) Appointments and Removals. Neither ~~the~~ Council nor any of its members shall in any manner dictate the appointment or removal of any City administrative officers or employees who the City Manager or any of his or her subordinates are empowered to appoint, but ~~the~~ Council may express its views and fully and freely discuss with the Manager anything pertaining to appointment and removal of such officers and employees. ~~This section shall not prevent Nothing in this Section shall be interpreted as restricting Council's authority to call for the removal of the Manager because of Council's disapproval of the Manager's personnel management policies or his or her appointment or removal of administrative officers or employees.~~ City Manager.
- (c) Interference with Administration. Except for the purpose of inquiries and investigations under Section 3.09, ~~the~~ Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the Manager solely through the Manager, and neither ~~the~~ Council nor its members shall give orders to any such officer or employee, either publicly or privately; provided that ~~the~~ Council may request and require City officers and employees to provide information pertaining to the conduct of City affairs and to attend the meetings of ~~the~~ Council or its committees to present testimony or other evidence.

It's a good idea to add a deadline to appoint a 4th Council member so the City always maintains a majority of the 7 required Council members. The 30-day deadline here is an arbitrary placeholder for whatever deadline Council feels is appropriate.

3.06 VACANCIES.

(a) The office of a member of Council shall become vacant upon ~~the~~such member's death, resignation, judicially determined mental incompetence existing for more than sixty (60) days, or removal from office in the manner authorized by this Charter ~~of the person holding such offices.~~

(1) When the office of a ~~Council member~~Council member becomes vacant and thirty (30) months or less of the term remains to be served, the vacancy shall be filled for the unexpired term by ~~a majority of the remaining members of the Council by~~ the appointment of a qualified person as a member of ~~the Council authorized by majority vote of the remaining members of Council.~~

(2) When the office of a ~~Council member~~Council member becomes vacant and more than thirty (30) months of the term ~~remains~~remains to be served, ~~the~~ Council shall appoint a qualified person, in the manner provided in paragraph (a)(1) of this section, to serve until the first day of January following the next regular municipal election; and at the next regular municipal election, a qualified person shall be elected to serve the remainder of the unexpired term, commencing on the first day of January following his or her election.

(b) In the event Council fails to fill a vacancy as provided in paragraphs (a) (1) through (2) of this section within sixty (60) days after said vacancy occurs, then said vacancy shall immediately be filled by the appointment of a qualified person by the presiding judge of the municipal court having territorial jurisdiction within the City.

(c) ~~Notwithstanding the requirements in Section 3.11, if~~ at any time the membership of ~~the~~ Council is reduced to less than four (4) ~~members~~, the remaining members shall, within thirty (30) days of the reduction in membership to less than four (4) and by a majority vote, appoint additional members to raise the membership to four (4).

(d) The appointment of all Council members shall be subject to all other requirements of this Charter.

3.07 REMOVAL FROM OFFICE.

~~The~~ Council shall be the judge of the qualifications of its members and of the grounds for removal from office of its members. Any member of ~~the~~ Council may be removed from office and his or her office forfeited if he or she is found to have committed any of the grounds for removal hereinafter set forth by an affirmative vote of five (5) members of ~~the~~ Council. Grounds for removal from office shall be:

(a) That the accused member does not possess or has violated the qualifications for the office of Council member under this Charter.

(b) That the accused member has knowingly and intentionally violated any express prohibition contained in this Charter during his or her term of office.

(c) That such accused member has been convicted of any felony, or a misdemeanor involving moral turpitude.

(d) That such accused member has failed to attend three (3) consecutive regular meetings of ~~the~~ Council and that such absences have not been excused by ~~the~~ Council by a majority vote of its members.

This change is to facilitate more global changes to the Charter/Ordinances with respect to the City's current publication requirements. Newspaper publications are time-consuming and costly. Most modern ordinances permit publication on the official government website (which is what staff would prefer).



A member accused of conduct constituting grounds for removal from office shall be entitled to a public hearing prior to his or her removal, and may be represented thereat by counsel. Notice to the public of the time, date and place of such hearing shall be published ~~in one or more newspapers of general circulation in the City~~ at least seven (7) days prior to the hearing in such manner as Council may from time to time prescribe by ordinance. At such

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Author:cscher Subject:Note Date:11/12/2021 12:16:43 PM

The disciplinary hearing discussed in this provision is quasi-judicial in nature. It's problematic to attach criminal fines to a person's failure to respond to a subpoena issued by Council in an administrative hearing.

Author:cscher Subject:Note Date:11/12/2021 12:17:32 PM

Similar to the above comment, we advise the City treat lightly on attaching criminal consequences to disobeying administrative orders.

hearing, the Law Director, or other special counsel as designated by ~~the~~ Council, shall present evidence and testimony in support of the grounds charged for removal. Such hearing may be adjourned from time to time without the necessity of further publication of notice.

Upon request of the Law Director or other special counsel presenting the charges for removal, or the request of the accused member or his or her counsel, the Chairperson, or the Vice-Chairperson if the Chairperson is the accused, shall have the power to and shall issue subpoenas for witnesses and for the production of other evidence. The Chairperson, or Vice-Chairperson, as the case may be, shall have the power to administer oaths to witnesses at such hearings, and shall preside at the hearings. Any person who refuses to obey a lawful order issued in the exercise of these powers may be found in contempt by the issuing officer. ~~Such officer shall refer the matter to the municipal court for the determination of punishment. The judge of the municipal court may fine such person found to be in contempt a sum not to exceed five hundred dollars (\$500) for each day such person refused to obey the order, but such fine shall not be imposed for more than thirty (30) days for each refusal.~~

A member of Council who is accused of grounds for removal shall not vote on any matter pertaining to his or her removal. Decisions rendered and orders issued under this section shall be subject to review by the courts.

3.08 ~~CITY~~ CLERK OF COUNCIL.

~~The~~ Council shall appoint, by a majority vote of its members, an officer of the City who shall have the title of City Clerk of Council. The ~~City~~ Clerk of Council shall serve at the pleasure of ~~the~~ Council, and may be removed from office, without cause, notice or hearing, by a majority vote of the members of ~~the~~ Council. ~~The~~ Council may appoint an Acting ~~City~~ Clerk of Council to serve during the temporary absence or disability or a vacancy in the office of ~~City~~ Clerk of Council. The Acting ~~City~~ Clerk of Council shall have all the powers, duties and functions of the ~~City~~ Clerk of Council. The ~~City~~ Clerk of Council shall give notice of Council meetings to its members and the public, keep the journal of its proceedings and a record of ordinances and resolutions adopted by ~~the~~ Council, and perform such other duties as are assigned to the Clerk by this Charter, ordinances and resolutions of the City, the rules of Council, and as directed by ~~the~~ Council. The ~~City~~ Clerk of Council and Acting ~~City~~ Clerk of Council may hold other office or position of employment with the City.

3.09 INVESTIGATIONS.

~~The~~ Council may make investigations into the affairs of the City and the conduct of any City department, office or agency and, for this purpose, the Chairperson of Council may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by ~~the~~ Council shall be guilty of a misdemeanor and punishable by a fine of not more than one hundred dollars (\$100.00), or by imprisonment for not more than ten (10) days, or both, and if employed by ~~the~~ City, may be immediately dismissed from the City's service upon a majority vote of ~~the~~ Council.

Author:cscher Subject:Note Date:11/12/2021 12:18:25 PM

These changes were suggested by the Finance Director to make audit requirements more general, so the City requirements are always consistent with State requirements, as they may be amended from time to time.

Author:cscher Subject:Note Date:11/12/2021 12:18:48 PM

More general notification requirements will allow staff to notify Council of meetings in ways other than personal service.

3.10 INDEPENDENT AUDIT.

~~The~~ Council shall provide for ~~an~~ routine independent ~~biannual~~ ~~audit~~ audits of all City accounts ~~and may provide for more frequent audits as it~~ ~~as required by Ohio law or as it otherwise~~ deems necessary. Such audits shall be made by a certified, independent public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the City's government or any of its officers. ~~The Council may, without requiring competitive bids, designate such accountant or firm annually or for a period not exceeding three (2) years.~~ If an agency of the State of Ohio makes such an audit, ~~the~~ Council may accept it as satisfying the requirements of this ~~section~~ Section.

3.11 MEETINGS.

- (a) Regular meetings of ~~the~~ Council shall be held at least once a month at such times and places as ~~the~~ Council may determine.
- (b) Special meetings of ~~the~~ Council may be called by a majority vote of Council taken at any regular or special meeting thereof, or may be called by the Chairperson of Council, or any three (3) or more members of ~~the~~ Council.
- (c) Emergency meetings may be called by the Chairperson or the affirmative vote of any three (3) members of Council.
- (d) ~~The City Clerk or in his or her of Council or the City Manager in the Clerk's absence, incapacity or refusal to act, the City Manager shall cause notice, in writing, of each special meeting to be served personally or to be left at the usual place of residence of each member of the Council shall notify each Council member of any special or emergency meeting not less than twenty-four (24) hours preceding the time for such special meeting, except in the event of an emergency meeting in which case notice shall be given by attempted personal contact of each Council member. In the event that a special meeting is called by a vote of Council taken at a regular or special meeting from which any member of Council is absent, written notice of such special meeting shall be given only to each absentee in the manner hereinbefore described. Service of notice of any special or emergency meeting shall be deemed conclusively to have been waived by any member of Council who is present at such special meeting. The notice of a special or emergency meeting shall state the purpose of the meeting, and no other business or action shall be conducted at such meeting.~~
- (e) ~~(b)~~ A majority of the members of Council shall constitute a quorum for the transaction of business at any meeting of ~~the~~ Council, but a lesser number may adjourn the meeting from time to time and compel, by a majority vote of the members present, the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance or resolution.
- (f) ~~(c)~~ All meetings of ~~the~~ Council and of other Boards, Commissions ~~&~~, and Committees of the City shall be held in accordance with the general laws of Ohio pertaining to requirements for open meetings of public bodies, including public notice requirements ~~of a general nature, as they may be amended from time to time.~~

(O-08-26, 8-18-08 (EM) & O-08-31, 10-6-08, passed by the electorate 11-4-08, effective 1-1-09)

3.12 COUNCIL RULES AND JOURNAL.

~~The~~ Council shall be a continuing body. ~~The~~ Council shall determine its own rules and order of business, but such rules shall not be in conflict with the ~~provisions~~ provisions of this Charter. ~~The~~ Council shall provide for the keeping of a Clerk's Journal and other records of its proceedings.

The Clerk's Journal and other records of ~~the~~ Council shall be available for public inspection ~~at~~during the City's normal business hours
~~at reasonable times~~
(Ord. 2012-14, 7-2-12; passed by electorate 11-6-12)

ARTICLE IV COUNCIL PROCEDURES

4.01 ORDINANCES AND RESOLUTIONS.

Council action shall be by ordinance or resolution. Ordinances shall be the enactments of ~~the~~ Council and shall have the full force and effect of law. Ordinances shall prescribe permanent rules of conduct of government. Resolutions shall be orders of ~~the~~ Council of a special or temporary nature.

4.02 INTRODUCTION OF ORDINANCES.

Every proposed ordinance shall be introduced in written or printed form after review by the Department of Law on the question of correct legal form ~~of~~ possible contradiction with existing ordinances, or conflict with the Charter or ~~Constitutional provisions~~ other applicable law. Each ordinance shall be in the form required by Council for final adoption. No ordinance shall contain more than one subject₃ which shall be clearly expressed in its title₃ provided₃ however, that appropriation ordinances may contain the various subjects, accounts, and amounts for which moneys are appropriated. The enacting clause in each ordinance shall be "The City of Franklin hereby ordains..." Any ordinance which repeals or amends an existing ordinance ~~or part~~ of the Municipal Code shall set out in full the ordinance, sections or subsections to be repealed or amended, and shall indicate ~~matter~~ (i) matters to be omitted by enclosing it in brackets or by strikeout type₃ and ~~shall indicate~~ (ii) new ~~matter~~ matters by underscoring ~~or by~~ italics or bold font.

4.03 PASSAGE OF ORDINANCES.

(a) A proposed ordinance may be introduced by any Councilmember at any meeting of Council. Upon introduction of any proposed ordinance, the Clerk of Council shall distribute a copy to each Councilmember and the City Manager. ~~shall~~ and file one copy in the office of the Clerk of Council, ~~shall~~ make copies available to interested parties ~~and~~. The Clerk shall publish the proposed ordinance, together with notice setting out the time and place for a public hearing thereon and for its consideration by Council. ~~(As used in this section, the term "publish" means to print in summary form in one or more newspapers of general circulation in the City and/or to~~

~~post in full in not less than five (5) of the most public places in the City as determined in~~
accordance with the procedures prescribed by Council.

Author:cshe Subject:Note Date:11/12/2021 12:20:18 PM
These changes clarify confusing language (no substantive changes).

Author:cshe Subject:Note Date:11/12/2021 12:20:40 PM
These changes clarify confusing language (no substantive changes).

Author:cshe Subject:Note Date:11/12/2021 12:23:06 PM
Allowing passage of emergency ordinances by a simple majority of Council members present at the meeting may make passing emergency ordinances easier if not all Council members can attend a last-minute emergency meeting. There also could theoretically be a time when there are less than 5 members of Council, meaning an emergency ordinance couldn't be passed.

That said, some Charter Review Commission members commented that they preferred the original 5-member requirement because it feels more consistent with the emergent nature of the ordinance.

(b) A public hearing shall be held not earlier than seven (7) days following the publication, ~~and may be held separately or in connection with a regular or special Council meeting and may adjourn from time to time. All persons where all interested members of the public~~ shall have an opportunity to be heard.

(c) After the hearing, ~~the Council may adopt the proposed ordinance with or without amendment or reject it. The vote on the question of passage of each ordinance shall be taken by roll call and entered on the Clerk's Journal, and no ordinance shall be passed without concurrence of a majority of the members of Council who are present. If the amendment to an ordinance is a matter of substance, the vote to approve the ordinance as proposed or with amendment, or reject the ordinance. If Council votes to approve an amended version of an ordinance and such amendment substantially alters the subject or effect of the ordinance, as determined by Council, in its sole discretion, and upon a majority vote of the members of Council who are present, the amended ordinance may not be adopted until the ordinance it has been subjected to all the public notice procedures herein before required in the case of a newly introduced ordinance.~~

(d) The vote on the question of passage of each ordinance shall be taken by roll call and entered on the Clerk's Journal. No ordinance shall be passed without concurrence of a majority of the members of Council who are present.

(e) Within ten (10) days after adoption of any ordinance, the Clerk shall have it published again, together with a notice of its adoption.

(Ord. 2007-20, 8-6-07 (EM) & Ord. 2007-27, 8-20-07; passed by electorate 11-6-07, effective 1-1-08.)

4.04 EFFECTIVE DATE.

Except as otherwise provided in this Charter, every ordinance shall become effective at the expiration of thirty (30) days after adoption or at any later date specified therein.

4.05 EMERGENCY ORDINANCES.

To meet a public emergency affecting public health, safety, morals, or the general welfare, or an emergency in the operation of a City department or agency, ~~the Council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, except when incidental to incurring debt, grant, renew, or extend a franchise, except one effecting health or one incidental to incurring debt, regulate the rate charged by any public utility, except where the rate regulation is connected with the City's incurrence of debt, for its services or grant any special privileges except public utility franchise or public utility rate ordinances.~~ An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. A proposed emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, and without prior publication and public hearing. ~~but the affirmative vote of at least five (5) members of Council members present at the meeting during which the emergency ordinance is considered shall be required for adoption, except as otherwise provided in Section 4.14.13. After the adoption of an emergency~~



We've run into issues in the past where the automatic repeal of an emergency ordinance created confusion as to what actions on the City's part pursuant to the ordinance were also repealed/impacted. Suggest changing this to say that an emergency ordinance may be repealed by further action of Council (i.e. passing a subsequent repealing ordinance).

ordinance, the ordinance shall be published as prescribed for other adopted ordinances. ~~It~~ and shall become effective upon adoption or at such later time as it may specify.

~~Every~~ An emergency ordinance, ~~except one made pursuant to Section 4.14 of this Charter or one authorizing or otherwise passed in connection with the borrowing of money and/or the levying of taxes with respect to such borrowing, shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section, if the emergency still exists in the judgment of Council may be repealed upon further action of Council adopting a repealing ordinance. Contract rights that vest pursuant to an emergency ordinance shall not be impaired or abridged by the repeal of such ordinances. ~~At~~ No emergency ordinance ~~may also be repealed by~~ shall be subject to referendum.~~

15



~~adoption of a repealing ordinance in the same manner specified in the section for adoption of emergency ordinances. No emergency ordinance shall be subject to referendum.~~
 (Ord. 2007-21 (EM), 8-6-07 & Ord. 2007-28, 8-20-07; passed by electorate 11-6-07, effective 1-1-08.)

4.06 EMERGENCY APPROPRIATIONS.

To meet a public emergency affecting life, health, safety, property or the public welfare, or to meet an emergency in the operation of a City department or agency, Council may make emergency appropriations. Such appropriations may be made pursuant to an emergency ordinance in accordance with the provisions of Section 4.05. Emergency appropriations made by emergency ordinance shall be adopted upon the affirmative vote of a majority of Council members present at the meeting during which the emergency appropriation is considered.
 (O-2007-21, 8-6-07 (EM) & O-2007-28, 8-20-07; passed by electorate 11-6-07, effective 1-1-08.)

~~**4.06 INITIATIVE**~~**4.07 INITIATIVE AND REFERENDUM.**

Except as otherwise provided in this Charter, ordinances may be proposed and submitted to popular vote by initiative petition and referendum under the ~~preceding procedures~~ set forth in the Ohio Revised Code. If ~~the~~ Council is required to pass more than one ordinance or resolution to complete and pay for any public improvement, the referendum shall apply only to the first ordinance or resolution to be passed and not to any subsequent ordinance or resolution in the series relating thereto. Council shall not repeal any ordinance approved by the electors. Repeal of such ordinance shall be subject only to the referendum.

~~**4.07 RESOLUTION**~~**4.08 RESOLUTIONS.**

Action by Council, which is not required by this Charter to be taken by ordinance, may be taken by resolution. Such a resolution shall be in written or printed form and shall be introduced by a member of Council. ~~and~~ Resolutions may be adopted by ~~a voice~~ an oral vote of ~~the~~ majority of a quorum of Council members. No waiting period, notice, hearing or publication ~~shall be required and~~ requirements shall apply to the consideration and adoption of a resolution.
A resolution shall become effective upon its adoption.

4.094.09 AUTHENTICATION OF ORDINANCES AND RESOLUTIONS.

Each ordinance or resolution shall be authenticated by the signature of the Chairperson of Council ~~and the City~~, or the Vice-Chairperson in the Chairperson's absence, and the Clerk of Council; however, the failure or refusal of such officers to sign such ordinances or resolutions shall not invalidate an otherwise properly enacted ordinance or resolution.

4.094.10 RECORDING OF ORDINANCES AND RESOLUTIONS.

Each ordinance or resolution shall be recorded as a part of the Clerk's Journal, or other record prescribed by ~~the~~ Council; which is established and maintained for that purpose. The ~~City~~ Clerk of Council or a duly authorized deputy to said Clerk, shall, upon the request of any person and upon the payment of a fee, as established by ~~the~~ Council, certify true copies of any ordinance or resolution, which certified copies shall be admissible as evidence in any court.
(Ord. 2012-14, 7-2-12; passed by electorate 11-6-12)

Author:cscher Subject:Note Date:11/12/2021 12:24:21 PM

This provision stating Council can adopt an amendment to a standard code by the same process in which it adopts the code itself is unnecessary. It's inferred that Council can adopt standard codes and amendments thereto pursuant to the same processes.

Author:cscher Subject:Note Date:11/12/2021 12:24:33 PM

Council's ability to reorganize, amend, public, etc. its local ordinances and resolutions is either expressly set forth in other areas of the Charter or is inferred as a power of Council. There's no real need for this provision (if you choose to retain this language, suggest at least omitting the publication requirements).

Author:cscher Subject:Note Date:11/12/2021 12:24:47 PM

Generally stating the Clerk of Council will maintain the Charter/Ordinances in a "single document" gives the City flexibility to maintain the document in whatever media format it prefers (e.g. digitally).

4.4.11 **ADOPTION OF TECHNICAL CODES BY REFERENCE.**

Council may, by ordinance or resolution, adopt standard ordinances and codes, and any amendments thereto, prepared by the State or any department, board or other agency or political subdivision of the State, or any standard or model ordinance or code prepared and promulgated by a public or private organization, including but not limited to codes and regulations pertaining to fire, fire hazards, fire prevention, plumbing code, electrical code, building code, refrigeration machinery code, piping code, boiler code, heating code, air conditioning code, housing code, and such other matters as ~~the~~ Council may determine to be appropriate for adoption by reference. By of incorporation by reference. The ordinance or resolution adopting any such standard ordinance or code shall make it shall be sufficient to reference to the date and source of such standard ordinance or code without reproducing the same at length in the ordinance or resolution. In such cases, publication adopting the same without reproducing the ordinance or code at length in the adopting ordinance or resolution. A complete copy of the standard ordinance or code shall not be required, but at least a copy of such code or ordinance shall be kept at all times in the office of the City Clerk of Council and be available for reference by interested persons. If the standard ordinance or code, after its adoption by reference by the Council, is amended, the Council may adopt the amendment or change by incorporation by reference in an ordinance or resolution under the same procedure as is established herein for the adoption of the original standard ordinance or code without the necessity of setting forth in full in the ordinance or resolution the provisions of the amendment or change to the standard ordinance or code. the public during the City's normal business hours.

(O17-14, passed 7-17-17; passed by electorate 11-7-17, eff. 1-1-18)

4.4.12 **CODIFICATION OF ORDINANCES AND RESOLUTIONS.**

By a majority vote of the members elected to Council, the Council may cause the ordinances and resolutions of the City to be revised, codified, reordified, rearranged, and published in book form. Such revision, codification, reordification, rearrangement or publication of ordinances and resolutions in book form shall be immediately effective upon approval of a majority vote of the members elected to Council, and may contain new matter therein. The City Clerk shall cause a notice of such proposed revision, codification, reordification, rearrangement or publication of ordinances and resolutions in book form to be published one (1) time in a newspaper determined by the Council to be of general circulation within the City at least seven (7) days prior to the final approval thereof by the Council, and no further publication shall be necessary. A current service supplementing such revision, codification, reordification, rearrangement or publication of ordinances and resolutions in book form shall be maintained in the manner prescribed by the Council.

Within two (2) years after the adoption of this Charter, and at least every five (5) years thereafter, ~~the~~ Council shall cause the ordinances and resolutions to be codified and published in a ~~book or loose leaf form; single document~~, together with this Charter ~~and any amendments thereto, and any provisions of the Constitution and general laws of the State of Ohio, as the Council may determine~~, as it may be amended from time to time, which compilation shall be known as the Franklin City Code. ~~Copies of such code~~ A copy of the Code shall be maintained in the office of the Clerk of Council and be available for inspection by the public during the City's normal business hours. Copies of the Code may also be placed in such libraries and

public offices as ~~the~~ Council shall direct, without charge for free public reference ~~and copies~~
~~shall be for sale at a reasonable price determined by the Council.~~

~~4424.13~~ REFERRAL OF ZONING ORDINANCES TO COUNCIL.

No ordinance or resolution establishing, amending, revising, changing or repealing zoning classifications, districts, uses or regulations shall be presented to Council for a public hearing without a recommendation from the Planning Commission to approve, to approve with modifications, or to deny. Planning Commission shall make its recommendation to Council within the time limits set by ordinance.

No such ordinance or resolution which conforms to or violates, differs from, or departs from the written recommendation of the Planning Commission shall take effect unless passed and approved by a vote of not less than ~~four (4) members~~ the majority of Council members present at the meeting during which the recommendation is considered.

~~(Res. 1997-85, passed by electorate 11-4-97, effective 1-1-98; Ord. 2007-23 (EM), 8-6-07 & Ord. 2007-30, 8-20-07, passed by electorate 11-6-07, effective 1-1-08.)~~

~~413 PUBLIC HEARING ON ZONING ORDINANCE OR RESOLUTION~~

The presiding officer of ~~the~~ Council shall set a date for a public hearing before Council on each ordinance or resolution establishing, amending, revising, changing or repealing zoning classifications, districts, uses or regulations, ~~which hearing shall be after Planning Commission has forwarded its recommendation to Council and the introduction of the ordinance and before final action by Council on said ordinance or resolution.~~ Council shall hold the public hearing within the time limits set by ordinance.

(Ord. 2007-23, 8-6-07 (EM) & Ord. 2007-30, 8-20-07; passed by electorate 11-6-07, effective ~~1-1-08~~ 1-1-08.)

~~414 EMERGENCY APPROPRIATIONS~~

~~To meet a public emergency affecting life, health, safety, property or the public welfare, or to meet an emergency in the operation of a City department or agency, the Council may make emergency appropriations. Such appropriations may be made pursuant to an emergency ordinance in accordance with the provisions of Section 4.05. Emergency appropriations made by emergency ordinance shall be adopted upon the affirmative vote of at least four (4) members of the Council.~~

ARTICLE V CITY MANAGER

5.01 APPOINTMENT, QUALIFICATION; COMPENSATION.

~~The~~ Council shall appoint a City Manager for an indefinite term and fix his or her compensation. The Manager shall be appointed solely on the basis of his or her executive and administrative qualifications. He or she need not be a resident of the City or State at the time of his or her appointment but may reside outside the City while in office only with the approval of ~~the~~ Council.

5.02 REMOVAL.

The City Manager may be removed by Council by the affirmative vote of four (4) members placing on the agenda of the next regularly scheduled Council meeting; a motion for removal of the City Manager. ~~At the next regularly scheduled meeting, upon the affirmative vote of four (4) members of Council, the City Manager may be removed.~~ The City Manager shall be given notice that such motion is on Council agenda at least ten (10) days ~~notice~~ prior to ~~such~~ the meeting, ~~that the question of his or her removal will be on the agenda at which the motion will be considered.~~ In the intervening period, the City Manager may be suspended by Council with or without pay. ~~The action of the~~ Upon the affirmative vote of four (4) members of Council ~~is~~ subject to review by any Court or agency may be removed.

5.03 INTERIM CITY MANAGER.

Should a vacancy in the office of City Manager occur, or during periods of temporary absence or disability of the City Manager lasting thirty (30) days or more, a majority of Council shall appoint an interim City Manager to fill the vacancy. In cases where the City Manager is vacant from his office for a period of less than thirty (30) days due to vacation, illness or other leave, the City Manager shall appoint an ~~interim~~ acting City Manager in his absence by administrative directive, ~~with the approval of Council.~~ (O-2007-24, 8-6-07 (EM) & O-2007-31, 8-20-07, passed by electorate 11-6-07, effective 1-1-08.)

5.04 POWERS AND DUTIES OF THE CITY MANAGER.

The City Manager shall be the chief administrative, operating and executive officer of the City. He or she shall be responsible ~~to the Council~~ for the administration of all City affairs placed

in his or her charge by or under this Charter. ~~He or she~~ Except as otherwise provided in this Charter or the general laws of the State, the City Managers shall have the following powers, duties and functions: (O-08-27, 8-18-08 (EM) & O-08-32, 10-6-08, passed by the electorate 11-4-08, eff. 1-1-09)

(a) To appoint and, when he or she deems it necessary ~~for the good of the service in the City's best interests~~, suspend, remove or otherwise discipline all City employees and ~~appointive~~-administrative officers ~~provided for, by, or under this Charter of the City,~~ except as otherwise provided by ~~this Charter or~~ personnel rules adopted pursuant to this Charter. The City Manager may authorize any administrative officer who is subject to his or her direction and supervision to exercise ~~these~~ the foregoing powers with respect to subordinates in that officer's department, office or agency.

(b) To direct and supervise the administration of all departments, offices and agencies of the City, ~~except as otherwise provided by this Charter.~~

(c) To recommend a pay plan, hours of work, and provisions for vacation, sick leave and other fringe benefits for all compensated employee positions in the City's service to Council, which recommendations may be approved, with or without modification, by ordinance or resolution of Council.

(d) ~~(e)-~~ To attend all Council meetings and ~~shall have the right to~~ take part in ~~discussion but may not vote~~ discussions thereat, without voting authority.

(e) ~~(f)-~~ To see that all laws, provisions of this Charter and acts of ~~the~~ Council, subject to enforcement by the City Manager or by officers subject to his or her direction and supervision, are faithfully executed.

(f) ~~(g)-~~ To prepare and submit the annual budget and capital programs to ~~the~~ Council.

(g) ~~(h)-~~ To submit to ~~the~~ Council and make available to the public a complete report on the finances, administrative activities and an inventory of the real properties and equipment of the City as of the end of each fiscal year.

(h) ~~(i)-~~ To make such other reports to Council as ~~the~~ Council may ~~request~~ request concerning the operations of City departments, offices and agencies subject to his or her direction and supervision.

(i) ~~(j)-~~ To keep ~~the~~ Council fully advised as to the financial condition and future needs of the City, and make recommendations to ~~the~~ Council concerning the affairs of the City as he or she deems necessary.

~~(j) To perform such other powers, duties and functions, as specified in this Charter, ordinances or resolutions, or as may be required by the Council.~~

(j) ~~The City Manager shall~~ To execute, on behalf of the City, all contracts, agreements, bonds, notes, conveyances, evidences of indebtedness, and any other instruments to which the City is a party, ~~except as otherwise required or provided by this Charter or Ohio Law.~~

(k) To perform such other powers, duties and functions, as specified in this Charter, ordinances or resolutions, or as may be required by Council.

~~(h)~~ (O-08-27, 8-18-08 (EM) & O-08-32, 10-6-08, passed by the electorate 11-4-08, eff. 1-1-09)

5.05 CONTRACTING POWERS.

The City Manager shall be the contracting officer of the City, and shall award and execute contracts and agreements on behalf of the City in the manner and under the procedures required by this Charter, ³ provided that:

~~1-600000104~~

The competitive bidding reference here was pared down to simplify the provision and also to omit unnecessary publication requirements.

where a contract must be let by competitive bidding, such expenditure shall first be authorized and directed by an ordinance or resolution passed by Council. Where modifications or ~~(a) Competitive Bidding. When the expenditure of funds for the purchase of equipment, supplies or materials, or to provide labor for any work to be performed under a contract exceeds the amount fixed by State law, such expenditure shall first be authorized and directed by an ordinance or resolution passed by the Council. In such event, the City Council shall award a written contract to the lowest and best bidder after advertisement for not less than two (2) nor more than four (4) consecutive weeks in a newspaper determined by the Council to be of general circulation within the City, unless competitive bidding is not required pursuant to State Law. Council may, in its discretion, reject all bids.~~

This provision was included to cut down on the wordiness in this section and simply state the City Manager has authority to delegate certain contracting duties to other appropriate City officials.

~~(Resolution 2002-54, 8-19-02, passed by electorate 1-15-02, effective 1-1-03) (Ord. 2017-15, 7-17-17, passed by electorate 1-17-17, eff. 1-1-18)~~
~~(b) Modifications and changes to contracts awarded under competitive bidding, where such modification and change are will result in additional costs to the City in excess of fifty percent (50%) of the amount specified in S5.05 (a) total contract amount, the modification or change shall first be authorized by ordinance or resolution of Council.~~

Subject to the other provisions of this Charter, the City Manager may delegate his or her contracting authority hereunder, from time to time, to administrative officer(s) or employee(s) of the City to act as purchasing agent for the award and execution of contracts on behalf of the City as the City Manager deems appropriate.

~~(c) The City Manager may designate an administrative officer or employee of the City to act as purchasing agent to award and execute contracts; orders of agreements on behalf of the City when such contracts, orders or agreements do not authorize an expenditure of money in excess of the amount specified by the laws of the State of Ohio.~~

~~(d) The City Manager or any other person designated by him or her as purchasing agent, shall not willfully cause or allow any contract or order to be split or divided into separate orders or contracts in order to avoid the requirements of subsection (c) above, or the requirements of competitive bidding as provided by this Charter.~~

(Ord. 2007-25, 8-6-07 & Ord. 2007-32, 8-20-07, passed by electorate 11-6-07, effective 1-1-08.)

ARTICLE VI ADMINISTRATIVE DEPARTMENTS

6.01 GENERAL PROVISIONS.

(a) There shall be a Department of Safety, a Public Works Department ~~of Service~~, a Department of Finance and a Department of Law.

(b) ~~The~~ Council may establish City departments, offices ~~and~~ agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices and agencies, except that no function assigned by this Charter to a particular department, office or agency may be discontinued or, unless this Charter specifically so provides, assigned to any other.

6.02 DEPARTMENT HEADS.

At the head of each department there shall be a full time or part time director. The City Manager shall appoint, ~~with approval of Council~~, and may suspend or remove, ~~without showing cause, notice or hearing~~, the directors of all departments, ~~other than~~, with the exception of the Director of the Department of Law and the Director of the Department of Finance, who ~~shall may only~~ be appointed and removed by Council. Each director shall be an administrative officer of the City. ~~He or she~~ and shall have supervision and control of the department he or she heads, subject to the direction of the City Manager, ~~except~~, with the Director's exception of the Department of Law Director, who shall be subject to the direction of Council. ~~With the approval~~

~~of Council~~ Excepting the roles of the Law Director and Director of Finance, the City Manager may serve as the head of one (1) or more such departments, ~~except that he or she may not serve as Director of Finance or Law~~

with

~~Director, or the City Manager~~the approval of Council, and may appoint one (1) person as the head of two (2) or more departments.

6.03 ADMINISTRATIVE CODE.

~~Subject to the provisions of this Charter and after~~in consultation with the City Manager, ~~the~~ Council shall adopt ordinances or resolutions which may be referred to as the administrative code ~~which~~. The administrative code shall provide in detail the organization of the City government, define the powers and duties of each organizational unit, and determine the administrative procedures to be followed. ~~The by City officers and employees~~. Council may delegate to the City Manager ~~and he or she~~authority to make rules and regulations to govern management practices consistent with the administrative code; which such authority may be delegated by the City Manager to the heads of departments other than the Director of the Department of Law, ~~power to make rules and regulations to govern management practices; consistent with the administrative code~~. Amendments to ~~and revisions of~~ the administrative code shall be made by ~~the Council only after~~in consultation with the City Manager. Where the Charter, administrative code, and ordinances, and resolutions of the City are silent, the officers and employees of the City shall have and may exercise all powers, duties and functions provided for similar officers and employees by the State law. ~~However, provisions~~Provisions of the Charter, administrative code, and ordinances and resolutions of ~~the City Council~~shall supersede those of the State law in case of conflict.

6.04 LAW DIRECTOR.

- (a) The Law Director shall be the head of the Department of Law and shall be the ~~Chief Law Enforcement Officer~~chief legal officer of the City. He or she shall be appointed by a majority vote of ~~the~~ Council, and shall serve at the pleasure of ~~the~~ Council. The Law Director shall be admitted to the practice of law in the State of Ohio. (O-08-27, 8-18-08 (EM) & O-08-32, 10-6-08, passed by electorate 11-4-08, eff. 1-1-09)
- (b) The Law Director shall be the legal advisor, attorney and counsel for the City, and for all offices, departments, divisions, bureaus, boards, commissions and bodies of the City, in connection with municipal affairs, ~~and subject~~. Subject to the direction of ~~the~~ Council, the Law Director shall represent the City in all proceedings in court ~~and~~ before an administrative board or body. He or she shall perform such other duties consistent with his or her office, as may be required by this Charter, by ordinance or resolution of ~~the~~ Council, or by the laws of the State of Ohio.
- (c) ~~The~~ Council may provide for such assistants and special counsel to the Law Director, ~~and for a Prosecuting Attorney~~, as shall be deemed advisable. All assistants ~~and the Prosecuting Attorney~~ to the Law Director shall be responsible to the Law Director, ~~and when authorized by him or her, may exercise all or any part of the powers, duties, and functions granted to the Law Director under~~.
- (d) Nothing in this Section shall be interpreted as limiting Council's powers to appoint a Prosecuting Attorney, in addition to the Law Director, who shall be charged with enforcing the criminal laws of the City and prosecuting infractions of such laws in the City of Franklin Municipal Court.

(c) Nothing in this Section. ~~Special counsel may be selected by the Council or the Law Director, as determined by the Council~~ shall be interpreted as limiting Council's powers to select special legal counsel to represent the City in any court or administrative proceeding, as Council deems appropriate in its discretion; and such special counsel may perform those powers, duties and functions as authorized by and in the manner provided by ~~the~~ Council.

Author:cscher Subject:Note Date:11/12/2021 12:28:05 PM

The Public Works Director suggested this change for consistency of department terms used by the City. If the City adopts this change, Section 160.01 (and any other ordinance referencing the Director of Service) should be likewise updated.

Author:cscher Subject:Note Date:11/12/2021 12:28:19 PM

This provision was moved out of Title VIII (Civil Service Commission) upon the recommendation of the Civil Service Commission.

6.05 DIRECTOR OF FINANCE.

The Director of Finance shall be the head of the Department of Finance. He or she shall be the fiscal officer of the City. ~~He or she~~ shall be appointed by a majority vote of ~~the~~ Council, and shall serve at the pleasure of ~~the~~ Council. He or she shall keep the financial records of the City, exhibiting accurate statements of all moneys received and expended, of all property owned by the City, and of all taxes and assessments. He or she shall advise the City Manager and ~~the~~ Council concerning the financial condition of the City. ~~the~~ shall examine all payrolls, bills and other claims against the City, and shall issue no warrants unless he or she finds that the claim is in proper form, correctly computed, fully approved, and ~~that~~ an appropriation has been made therefor. He or she shall collect all money due and payable to the City. ~~and shall~~ be the custodian of all public money of the City, and ~~shall~~ disburse the same as may be required by law, ordinance or resolution. He or she shall examine and audit the accounts of all other officers, employees, departments, boards and commissions, and ~~shall~~ assist the City Manager in the preparation and submission of appropriation measures, estimates, budgets and other financial matters. He or she shall perform and/or supervise all other duties now or hereafter imposed on City ~~Officers and~~ ~~auditors and treasurers~~ under the laws of the State of Ohio, and shall perform and/or supervise such other duties, consistent with his or her office, as may be required by this Charter, ordinance or resolution of Council, ~~and~~ as directed by the City Manager.

6.06 DIRECTOR OF SAFETY.

The Director of Safety shall be the head of the Department of Safety. He or she shall have and perform such powers, duties and functions relative to police and fire protection as may be assigned by ordinance or resolution of Council, or by order of the City Manager. Notwithstanding any provisions of State law, ~~the~~ Council may establish a unified police and fire service in which both types of service are rendered by the same personnel.

6.07 PUBLIC WORKS DIRECTOR ~~OF SERVICE~~.

The ~~Public Works~~ Director ~~of Service~~ shall be the head of the ~~Public Works~~ Department ~~of Service~~. He or she shall have custody, care and maintenance of the City's public buildings, grounds, streets, sewers, municipal utilities, cemeteries ~~owned by the City~~, and parks and recreation facilities ~~of the City~~. He or she shall perform such other duties consistent with his or her office, ~~and~~ as may be required by this Charter, by ordinance or resolution of ~~the~~ Council, or as directed by the City Manager.

6.08 PERSONNEL DIRECTOR.

~~23~~

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(a) The City Manager shall appoint a Personnel Director, subject to the approval of City Council by a majority vote of its members, who shall serve at the pleasure of the City Manager. The Personnel Director may hold other employment or office with the City. The City Manager may serve as Personnel Director upon approval of a majority vote of Council, which approval may be withdrawn by a majority vote of Council. The Personnel Director shall have full authority to administer the City's merit system and personnel management policies, subject to the direction and authority of the City Manager, and in accordance with the rules adopted by Council.

(b) The Personnel Director shall be responsible for the administration of policies and procedures governing relationships with employee organizations, and the administration of grievance procedures that have been established with the approval of Council.

ARTICLE VII BOARDS AND COMMISSIONS

7.01 PLANNING COMMISSION.

(a) Membership. There is hereby created and established a Planning Commission which shall consist of the Chairperson of ~~the~~ Council, another Council member as appointed by a majority vote of Council, and five (5) ~~members at large~~ additional members to be appointed by a majority vote of Council; ~~as hereinafter provided. The members. Each member shall serve for terms a term of four (4) years; however, the first appointment consecutive years; provided that the term of members of the Commission by the Council first appointed under this Charter shall be as follows: two (2) of such members shall be appointed for two (2) year terms; and three (3) of such members shall be appointed for four (4) year terms; and thereafter. Subsequent to the first appointment, each member shall be appointed for a four (4) year term and shall continue in office until his or her successor is appointed. (O-08-28, 8-18-08 & O-08-33, 10-6-08, passed by electorate 11-4-08, eff. 1-1-09)~~

(b) ~~(a) Powers and Duties. The Planning Commission shall conduct studies and surveys and prepare plans, reports and maps relative to the overall planning of the growth, development, redevelopment, rehabilitation and renewal of the City, and may make such recommendations relative thereto to the Council as it feels are in the best interest of the City. The Planning Commission shall continuously review and review, and report to the Council its recommendations concerning, the City's capital improvement programs, subdivision, platting and zoning ordinances and regulations. The Planning Commission shall cooperate with other governmental or private planning agencies to secure the maximum benefit to the City of the work, studies, surveys and reports of such other planning agencies. Other powers and duties of the Planning Commission shall include those established by this Charter and by the Council through ordinance or resolution, but until such and State law not in conflict with this Charter or Council ordinances or resolutions shall be passed, it shall possess such other powers and duties as are provided by the general laws of Ohio, to the extent that such general laws do not conflict with the provisions of this Charter.~~

Staff commented that the Board is usually just referred to as the Board of Zoning Appeals (BZA). Other areas of the City's Codified Ordinances/UDO refer to the BZA as:

The Board of Zoning, Building and Housing Appeals;

The Zoning Appeals Board; and

The Board of Zoning Appeals.

Suggest choosing one of the above names for the Board and making the term consistent across all City Charter/Code provisions.

7.02 BOARD OF ZONING, BUILDING AND HOUSING APPEALS.

(a) Membership. There is hereby created and established the Board of Zoning, Building and Housing Appeals, which Board shall consist of five (5) members to be appointed by a majority vote of ~~the~~ Council. Each member shall serve for ~~four~~ a term of four (4) consecutive years; provided ~~that~~ the term of members of the Board first appointed under this Charter shall be as follows: two (2) of such members shall be appointed for a two (2) year term; and three (3) of such members shall be appointed for four (4) year terms. ~~Hereafter~~ Subsequent to the first appointment, each member shall be appointed for a four (4) year term and shall continue in office until his or her successor is appointed.

(b) Powers and Duties. The Board of Zoning, Building and Housing Appeals shall have the power to hear and decide ~~appeals~~ applications for exceptions to and variances ~~from~~ the strict application of resolutions, ordinances, regulations and measures passed by ~~the~~ Council ~~and~~ The Board shall have the further power to hear and decide appeals from orders of administrative officials, or agencies governing zoning, building and housing in the City, as may be required to afford justice and avoid unreasonable hardship, subject to such reasonable

standards as shall be prescribed by Council ~~and not~~. The Board shall have such other powers as may be granted to it by ~~Council~~, by ordinance or resolution of Council.

7.03 PARKS AND RECREATION COMMISSION.

(a) Membership. There is hereby created and established a Parks and Recreation Commission which shall consist of seven (7) members ~~as hereinafter provided~~. One (1) member shall be appointed by the Board of Education of the Franklin City School District; one (1) member shall be appointed by the Franklin Township Trustees; and five (5) members shall be appointed by a majority vote of ~~the~~ Council. ~~Members~~ Each member of the Parks and Recreation Commission shall be appointed for a term of four (4) consecutive years each; ~~provided that the term of members of the Commission first persons appointed pursuant to under this Section Charter shall be appointed as follows: one (1) member to be appointed by said Board of Education shall be appointed for a four (4) year term; one (1) member to be appointed by the Franklin Township Trustees shall be appointed for a four (4) year term; two (2) members to be appointed by the Council shall be appointed for a four (4) year term and three (3) members to be appointed by Council shall be appointed for a two (2) year term. ~~Hereafter~~ Subsequent to the first appointment, each member shall be appointed for a four (4) year term and shall continue in his or her office until his or her successor is appointed. If said Board of Education and/or Franklin Township Trustees shall fail to appoint ~~the~~ their respective members as ~~hereinafter herein~~ provided within sixty (60) days after the effective date of this Section, or within sixty (60) days after any vacancy shall occur for which said Board of Education and/or Franklin Township Trustees is to make the appointment, ~~then, and in that event, the~~ Council shall make the appointment of such ~~members~~ member(s).~~

(b) Powers and Duties. The Parks and Recreation Commission shall exercise the power to equip, operate and maintain the City's playgrounds, ~~play~~ recreational fields, gymnasiums, public baths and swimming pools, and shall possess all the powers and be subject to all the responsibilities of the respective local authorities as set forth under Sections 755.12 to 755.181 of the Ohio Revised Code; ~~or successor statutes later enacted by the Ohio General Assembly; and not~~ as they may be amended from time to time; provided that such powers and responsibilities do not conflict with this Charter, or an ordinance or resolution of Council. The Commission shall have such other powers as may be granted to it by Council, by through ordinance or resolution.

7.04 CHARTER REVIEW COMMISSION.

~~The~~ Council shall appoint, by a majority vote of ~~the~~ Council members, at least every five (5) years, a Charter Review Commission consisting of five (5) members. Such Commission shall review the Charter of the City and ~~within the time designated by the Council at the time the members are appointed~~, recommend to Council such alterations, revisions and amendments, if any, to this Charter, as in its judgement are desirable, within the time designated by Council for such recommendations. After consideration of the recommendations of the Charter Review Commission, ~~the~~ Council may submit to the electors of the City for consideration all or any of such proposed alterations, revisions or amendments to this Charter in the manner provided by the Constitution of the State of Ohio. The terms of the members of the Commission shall terminate

at ~~on~~ the ~~end of the period~~ date designated by ~~the~~ Council by which the Commission shall report its recommendations to ~~the~~ Council.

8.02 UNCLASSIFIED SERVICE.

All positions in the service of the City shall be filled pursuant to open competitive ~~examination~~ except the following, ~~which~~ shall constitute positions within the unclassified service:

- (a) Members of ~~the~~ Council.
- (b) The ~~City~~ Clerk of Council, deputies, assistant ~~City Clerk~~ Clerk of Councils and other officers and employees of ~~the~~ Council.
- (c) The City Manager, Assistant City Managers, and assistants to the City Manager.
- (d) The Directors of departments.
- (e) One assistant to each Department Head. (O-17-16, 7-17-17; passed by electorate 11-7-17, eff. 1-1-18).
- (f) Members of boards and commissions appointed by ~~the~~ Council, and advisory committees appointed by the City Manager and ~~the~~ Council.
- (g) Temporary employees of exceptional, professional or scientific qualifications engaged as consultants.
- (h) Seasonal and part-time employees.
- (i) Professional engineers employed by the City.
- (j) Assistant Law Directors, the City Prosecutor and special legal counsel.
- (k) The secretary of each board or commission established by this Charter or by ordinance or resolution, provided that, if such secretary holds other employment with the City, which is not an exempted position, this ~~section~~ Section shall not exempt such person from the requirement of competitive examination to hold such other employment.
- (l) Personnel Director.
- (m) Division heads within the Public Works Department ~~of Section~~, the Department of Finance and the Department of Safety, except for the positions of Police Chief and Fire & EMS Chief. (O-17-16, 7-17-17; passed by electorate 11-7-17, eff. 1-1-18)
- (n) Clerk of Courts, Deputy Clerks of Court and other Court personnel. (O-17-16, 7-17-17; passed by electorate 11-7-17, eff. 1-1-18)
- (o) The Human Resources Specialist.

8.03 CLASSIFIED SERVICE.

The classified service shall comprise all positions not specifically included in Section 8.02 of this Charter ~~was a position within~~ the unclassified service ~~as exempt positions to 88.02 of this Charter.~~

8.04 THE CIVIL SERVICE COMMISSION.

- (a) ~~Organization.~~ There shall be a Civil Service Commission ~~consisting~~ which shall consist of five (5) members, ~~who shall~~ to be appointed by ~~the City~~ a majority vote of Council. ~~Of the~~ Each member shall serve for a term of six (6) consecutive years; provided that the term of members of the Commission first appointed, under this Charter shall be as follows: two (2)

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members shall ~~hold office~~ be appointed for a term of two (2) years;^a two (2) members shall be appointed for a term of four (4) years;^b and ~~the other one (1) member shall be appointed~~ for a term of six (6) years. ~~Their successors~~Subsequent to the first appointment, each member shall be appointed for terms of six (6) ~~years. Each~~ year term in his or her office until his or her successor is appointed.

(b) Each member of the Civil Service Commission shall be a qualified elector of the City, and shall neither hold ~~City~~ any other office ~~nor City~~ employment. ~~The Council shall fill all vacancies by appointment, or position with the City. Unless otherwise provided, by this Charter, a vacancy during a member's term on the Commission shall be filled for the unexpired term. All officers shall be appointed member of said Commission. Each member shall continue in office until his or her successor is appointed in the manner authorized for an original appointment.~~ (Ord. 2017-13, 7-17-17; passed by electorate 11-7-17, eff. 1-1-18)

(c) The Civil Service Commission shall have the power to hear ~~such~~ appeals from administrative determinations made pursuant to the rules adopted by the Council pertaining to the merit system and personnel management policies of the City, ~~as may be authorized by such rules, and may have~~ such other powers as may from time to time be given to it by ordinance or resolution of Council.

8.05 CIVIL SERVICE RULES AND REGULATIONS.

~~No officer or employee in the classified service shall be demoted or removed except for cause and after hearing. The Council shall provide general rules, by ordinance or resolution, for the enforcement of these provisions and also for appeals to the Civil Service Commission from suspensions, demotions and removal by the City Manager. Rules for the determination of merit and fitness as the basis for appointment and promotion of classified personnel covered by civil service shall be adopted pursuant to paragraphs (b) and (c) of 58-08 of this Charter.~~

8.06 PROMOTION:

The Commission shall provide for promotion to all positions in the classified service based on competitive examination and on records of merit, efficiency, character, conduct and seniority. Promotional examinations shall be restricted to present employees, unless by an ordinance or resolution adopted by an affirmative vote of five (5) members of Council, such examinations are opened to qualified candidates from outside the City's service. No individual shall be eligible for a promotional examination within the Police or Fire Department unless such individual has a minimum of three (3) years experience as a member of a police or fire service, as appropriate.

8.07 PROBATION PERIOD:

An original appointment of a new employee shall not be deemed complete until a period of probation of twelve (12) months has elapsed. Such probationary employee may be discharged by the City Manager at any time within the said period of twelve (12) months upon the recommendation of the head of the department which said probationer is employed.

8.08 PERSONNEL DIRECTOR

(a) ~~The City Manager shall appoint a personnel director, subject to the approval of City Council by a majority vote of its members, who shall serve at the pleasure of the City Manager. The personnel director may hold other employment or office with the City. The City Manager may serve as personnel director upon approval of a majority vote of the Council, which approval may be withdrawn by a majority vote of the Council. The personnel director shall have full authority to administer the personnel and merit be City subject to the direction of the City Manager and in accordance with the rules adopted by the Council.~~

(a) (b) ~~The personnel director~~ Personnel Director shall submit proposed rules, and amendments thereto, pertaining to the City's merit system and personnel management policies ~~of the City~~, to the City Manager, who shall refer ~~them~~ the proposed rules or amendments to the Civil Service Commission for its review and recommendations. ~~The City Manager may make recommendations to such proposed rules after~~ After receiving the recommendations of the Civil Service Commission ~~and, the City Manager shall submit such rules and his or her suggested changes to the rules to the same, along with the recommendations from the Civil Service Commission, to Council.~~ The Council shall adopt such rules with or without amendment, by ordinance or resolution, and may amend, alter or repeal such rules from time to time by ordinance or resolution.

(b) (c) ~~The rules described in subparagraph (b) of this section~~ Section shall provide for a system of classification of all nonexempt City positions in the classified service, considering the duties, authority and responsibility of each position, with adequate provision for the reclassification of such positions; methods for conducting the examinations ~~of~~ and the determination of merit and fitness of candidates for appointment or promotion in the classified service of the City; the policies and procedures ~~including cause~~ for the regulation of reductions in force, removal, suspension or other disciplining of employees in the classified service of the City; the policies and procedures governing persons holding provisional appointments in the classified service of the City; the policies regarding training programs for persons in the classified service of the City; and other practices and procedures necessary to the administration of the merit and personnel system of the City.

(d) ~~The personnel director shall be responsible for the administration of policies and procedures governing relationships with employee organizations, and the administration of grievance procedures that have been established with the approval of the Council.~~

(c) No officer or employee in the classified service shall be demoted or removed from his or her position with the City except for cause and only after being afforded an opportunity for a hearing before the Civil Service Commission on such demotion or removal. Council shall provide general rules, by ordinance or resolution, for the enforcement of these provisions and also for appeals to the Civil Service Commission from suspensions, demotions and removal.

8.09 COMPENSATION, FRINGE BENEFITS AND CONDITIONS OF

EMPLOYMENT 8.06 PROMOTION.

~~The City Manager shall recommend a pay plan, the hours of work and provisions for vacation, sick leave and other fringe benefits for all compensated employee positions in the City's service to the Council, which recommendations may be approved, with or without modification, by the Council, by ordinance or resolution.~~



The redline doesn't properly reflect that a line was omitted here that stated promotional exams are restricted only to present City employees unless Council passes an ordinance opening up the exam process to other candidates.



Fire/Police Chiefs commented that this line restricted their pool of eligible lateral candidates. While they prefer to promote from within, sometimes that's not an option (or not the best option). "Seniority" would still be a stated criteria that must be considered in awarding promotions, which will continue to give the Chiefs preferential promotional flexibility with respect to existing City employees.

The Commission shall provide for promotion to all positions in the classified service based on competitive examination and on the basis of merit, efficiency, character, conduct and seniority. No individual shall be eligible for a promotional examination within the Police or Fire Department unless such individual has a minimum of three (3) years' experience as a member of a police or fire service.

8.07 PROBATION PERIOD.

An original appointment of a new employee shall not be deemed complete until a period of probationary employment with the City of twelve (12) months has elapsed. Probationary employees may be discharged by the City Manager at any time within the said period of twelve (12) months upon the recommendation of the head of the department within which said probationer is employed

8.108.08 CANDIDACY FOR CITY OFFICE.

No employee of the City shall continue ~~therein~~ in his or her position of employment with the City after becoming a candidate for nomination or election to any City office. ~~Except for elective officials, no officials or employees~~

~~of the Municipal government may engage in political campaigns in which candidates of this City are involved.~~

ARTICLE IX
FINANCE, TAXATION AND DEBT

9.01 GENERAL.

~~The~~ To the fullest extent permitted by law, the laws of the State of Ohio relating to budgets, appropriations, taxation, debts, bonds, notes, assessments and other fiscal matters of the City shall be applicable to the City, except as modified by or ~~necessarily~~ inconsistent with the provisions of this Charter ~~or when provisions thereof is made in the Constitution of the State of Ohio.~~

ARTICLE X
NOMINATIONS, ELECTIONS

10.01 TIME OF ELECTIONS.

Regular ~~Municipal~~ elections for Council membership shall be held on the first Tuesday after the first Monday of November in odd numbered years commencing with the year 1983. All candidates for Council shall be nominated by petition, and all petitions, ballots and ballot labels shall be without political party mark or designation. The names of all candidates shall be rotated, insofar as possible, in the manner provided by the election laws of the State of Ohio. Except as otherwise provided in this Charter, all elections shall be held and conducted and the results thereof ascertained and certified as provided by the laws of the State of Ohio.

10.02 NOMINATION FOR COUNCIL.

Nominations for members of Council shall be made only by petition, signed by ~~qualified electors~~ not less ~~in number~~ than twenty-five (25) ~~nor more than one hundred (100).~~ A qualified elector ~~For the purposes of this Charter, a~~ qualified elector shall be a legally registered voter of the City. ~~Such a nomination~~ petition shall be accompanied by a declaration of candidacy and shall be filed with the election authorities not later than ~~seventy-five ninety~~ (~~7590~~) days before the date of the regular municipal election. No primary election shall be held for Council candidates. (Res. 1997-84, passed by electorate 11-4-97, effective 1-1-98)

10.03 SPECIAL ELECTIONS.

~~The~~ Council may, at any time, by ordinance or resolution, order a special election, the purpose of which shall be set forth in the ordinance or resolution.

ARTICLE XI INITIATIVE, REFERENDUM AND RECALL

11.01 GENERAL AUTHORITY; INITIATIVE AND REFERENDUM.

- (a) Initiative. The qualified ~~voters~~ electors of the City shall have the power to propose ordinances and resolutions to ~~the~~ Council and, if ~~the~~ Council fails to adopt ~~any~~ proposed ordinance or resolution ~~to proposed without any change in substance, to adopt or reject it at an election,~~ have adoption of the proposed ordinance or resolution submitted to a vote of the City's electors, as set forth in this Charter.
- (b) Referendum. The qualified electors of the City shall have the power to require reconsideration by ~~the~~ Council of any adopted ordinance or resolution and, ~~if the Council fails to repeal an ordinance or resolution so reconsidered, to approve or reject it at an election~~ have the repeal of the ordinance or resolution submitted to a vote of the City's electors, as set forth in this Charter.

11.02 COMMENCEMENT OF PROCEEDINGS; PETITIONERS' COMMITTEE; AFFIDAVIT.

~~Any five (5) electors may in order to~~ Any five (5) electors may in order to commence initiative or referendum proceedings ~~by filing with the City Clerk an affidavit stating they will constitute the~~ by filing with the City Clerk an affidavit stating they will constitute the a petitioners' committee ~~and must be formed, which shall be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying~~ and must be formed, which shall be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying with the Clerk of Council. A petitioners' committee will be deemed formed when a minimum of five (5) qualified electors file an affidavit with the Clerk of Council stating each such elector's name and address, and that the stated electors constitute the petitioners' committee. The affidavit must further state the address to which all notices to the committee are to be sent, and ~~setting~~ set out in full the proposed initiative ordinance, resolution or issue, or citing the ordinance or resolution sought to be reconsidered by referendum.

~~Promptly after the affidavit of the petitioners' committee is filed, the City Clerk shall specify the appropriate petition forms that are to be used to the petitioners' committee.~~

~~The~~ In the case of a referendum petition, the petitioners' committee affidavit ~~hereinafter described~~ shall be filed within ten (10) days of publication of the ordinance or resolution upon which reconsideration by referendum is sought. Failure to file said affidavit within said ten (10) day period shall render invalid any further steps taken with respect to a referendum.

Promptly after the petitioners' committee affidavit is filed, the Clerk of Council shall notify the petitioners' committee as to the appropriate petition forms for the committee's use.

11.03 ~~PETITIONS~~—INITIATIVE AND REFERENDUM PETITIONS.

(a) Number of Signatures. Initiative and referendum petitions must be signed by qualified electors in the City equal in number to at least fifteen (15%) percent of the total number of qualified electors voting for the office of Governor within the City at the last general election at which a Governor was elected.

(b) Form and Content. All papers of a petition shall be uniform in size and style and each petition shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing and the date of the signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance, resolution or issue proposed by initiative or sought to be reconsidered by referendum.

(c) Affidavit of Circulator. Each petition shall be filed with the ~~City~~-Clerk ~~of~~ Council and shall have attached to it when filed, an affidavit executed by the ~~petitioner~~ thereof ~~petitioners'~~ committee stating ~~that he or she~~ the committee members personally circulated the paper~~s~~; the number of signatures ~~thereon~~ on the petition; that all ~~the~~ signatures were affixed in ~~his or her presence~~ that he or she believes that a committee member's presence; ~~the committee members believe the signatures to be the genuine signatures of the persons whose names they purport to be and that each signer purportedly signed the petition; and each signatory~~ the committee members believe the signatures to be the genuine signatures of the persons whose names they purport to be and that each signer purportedly signed the petition; and each signatory had an opportunity before signing to read and understand the full text of the ordinance, resolution or issue proposed by initiative or sought to be reconsidered by referendum.

(d) Time for Filing Referendum Petitions. Referendum petitions must be filed with the ~~City~~-Clerk of Council within thirty (30) days after adoption by ~~the~~ Council of the ordinance or resolution sought to be reconsidered.

11.04 PROCEDURE AFTER FILING; INITIATIVE AND REFERENDUM PETITIONS.

Within ten (10) days after ~~the~~an initiative or referendum petition is filed, the ~~City~~-Clerk of Council shall determine its legal sufficiency ~~as required under~~ this Charter and shall complete a certificate as to ~~the~~ Clerk's sufficiency ~~specifying if it~~ determination. If the petition is insufficient, the ~~petitioners wherein it is defective~~ certificate shall specify the petition's defects and shall promptly ~~send~~notify the petitioners' committee of such defects by sending a copy of the certificate to the ~~petitioners'~~ committee by certified or registered mail ~~and shall so notify the Council.~~ The petitioners' committee shall have ten (10) days after mailing of a certificate of insufficiency in which to file an additional ~~petitions to remove any insufficiency.~~ The City Clerk shall certify said petition which complies with the requirements of this Charter. The Clerk of Council shall promptly certify petitions deemed legally sufficient to the Board of Elections ~~immediately~~ upon his or her determination of its sufficiency.

11.05 REFERENDUM PETITIONS; SUSPENSION OF EFFECT OF ORDINANCE OR RESOLUTION.

When ~~an affidavit by persons constituting~~ the petitioners' committee affidavit is filed pursuant to ~~S11.02~~Section 11.02 of this Charter and a proper referendum petition is filed with the ~~City~~-Clerk of Council, the ordinance or resolution sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (a) There is a final determination of insufficiency of the affidavit or petition ~~or~~;
- (b) ~~The~~ Council repeals the ordinance or resolution ~~or~~;
- (c) The petitioners' committee withdraws the petition ~~or~~;

(4) Five (5) days have elapsed after the Board of Elections certifies the official vote of qualified City electors on the question:

of repealing the ordinance or resolution.

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The Warren County Board of Elections suggested the Charter be updated to require submission of ballot issues to the BOE a minimum of 90 days before the election. This is consistent with ballot submission timing for almost every other jurisdiction in the County (only 1 other city has a different deadline). The BOE said the extra time would be extremely helpful for their efforts to get ballots out early to military voters.

11.06 ACTION ON ~~PETITIONS~~; INITIATIVE AND REFERENDUM PETITIONS.

- (a) At any time after an initiative petition has been filed with the ~~City~~ Clerk ~~the~~ of Council, Council may adopt the ordinance or resolution proposed in said petition, or a substitute for said ordinance or resolution approved by a majority of the members of the petitioners' committee. In such event, the ~~City~~ Clerk of Council shall so notify the Board of Elections and the proposed ordinance or resolution shall not be submitted to a vote of the electors.
- (b) ~~(c)~~ At any time after a referendum petition has been filed with the ~~City~~ Clerk ~~the~~ of Council, Council may repeal the ordinance or resolution for which ~~the~~ reconsideration is sought. In such event, or in the event the ~~affidavit of the~~ petitioners' committee ~~or the affidavit~~ or referendum petition is found to be insufficient by the ~~City~~ Clerk of Council, the ~~City~~ Clerk of Council shall so notify the Board of Elections and the proposed ordinance or resolution shall not be submitted to a vote of the electors.
- (c) ~~(b)~~ Submission to Electors. The vote of the electors on ~~the~~ proposed ~~or~~ ~~repeal~~ ~~adoption of repeal of an~~ ordinance; ~~or~~ resolution ~~or issue~~ shall be held not less than ~~seventy-five~~ ~~ninety (75/90)~~ days and not later than one (1) year from the date of the certification of the initiative or referendum petition to the Board of Elections. If no regular election is to be held within the period prescribed in this subsection, ~~the~~ Council shall provide for a special election; otherwise, the vote shall be held at the same time as ~~the~~ ~~the next~~ regular election.
- (d) ~~(c)~~ Withdrawal of Petitions. An initiative or referendum petition may be withdrawn at any time by filing with the ~~City~~ Clerk of Council a request for withdrawal signed by at least four (4) members of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect, all proceedings thereon shall be terminated, and the ~~City~~ Clerk of Council shall certify such withdrawal of ~~petitions~~ ~~the petition~~ and the termination of the proceedings ~~under such petitions~~ ~~thereon~~ to the ~~appropriate~~ Board of Elections.

11.07 RESULTS OF ELECTION; INITIATIVE AND REFERENDUM.

- (a) Initiative. If a majority of the qualified electors voting on ~~a proposed~~ ~~initiative~~ ~~an~~ ordinance; ~~or~~ resolution ~~or issue~~ ~~vote in its favor~~ ~~proposed through initiative~~ petition vote for adoption of the ordinance or resolution, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as other ordinances; ~~or~~ resolutions ~~or issues~~ of the same kind adopted by ~~the~~ Council. If conflicting ordinances or resolutions are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- (b) Referendum. If a majority of the qualified electors voting on ~~a referendum~~ ordinance or resolution ~~vote against it on the ballot due a referendum petition vote to repeal the ordinance or resolution~~, it shall not take effect. If a majority of the qualified electors voting on ~~a referendum~~ ordinance or resolution ~~vote for it on the ballot due a referendum petition vote to adopt the ordinance or resolution~~, it shall become effective five (5) days after the Board of Elections certifies the official vote on the question, and no ~~City~~ publication of such ordinance or resolution shall be required.

11.08 CONDUCT OF ELECTIONS; INITIATIVE AND REFERENDUM.

Elections on ordinances, resolutions or issues referred to the electors under the initiative and referendum procedures set forth in this Charter shall be conducted by the Board of Elections

of the County of Warren under County, Ohio and pursuant to the provisions of this Charter as far as they are applicable. Where the Charter is silent concerning the conduct of the election, the provisions of the Ohio Election Laws shall be followed.

11.09 REFERRAL OF ORDINANCE OR RESOLUTION TO THE ELECTORS BY COUNCIL.

By a vote of five (5) members of Council, any pending ordinance or resolution may be referred to the electors of the City at a general, primary or special election. The action of referral provided for in this section shall be taken by ordinance or resolution and shall go into immediate effect. Such ordinance or resolution shall be passed not less than seventy-five (75) days prior to the date of the primary or general election at which such referred ordinance or resolution is to be submitted. In the event that such ordinance or resolution is to be referred for approval or rejection at a special election, the Council shall, by ordinance or resolution, fix a date for such special election at a date not less than seventy-five (75) days after the date of passage of the ordinance or resolution to refer, and the City Clerk shall cause notice of the special election to be published once a week for two (2) consecutive weeks in a newspaper determined by Council to be of general circulation in the City.

The City Clerk shall certify to the appropriate Board of Elections that an election is to be held referring such ordinance or resolution to a vote of the electors at the date fixed by Council as hereinbefore provided. The City Clerk shall also certify a copy of the ordinance or resolution to be voted upon to the appropriate Board of Elections.

At such primary, general or special election, this question shall be placed upon the ballot: "Shall an (ordinance or resolution) providing: (a brief summary of the proposed ordinance or resolution shall be inserted here) be adopted?" with the provision on the ballot for voting affirmative or negatively. In the event a majority of those voting on the issue shall be in the affirmative, the ordinance or resolution shall go into immediate effect, without the need for further publication.

11.10 RECALL.

The electors shall have the power to remove from office, by a recall election, any elected or appointed member of Council of the City in the manner herein provided. If such officer shall have served six (6) months of his or her term, a petition demanding his or her removal may be filed with the Clerk of Council, who shall note thereon the name and address of the person filing the petition and the date of such filing, and deliver to such person a receipt therefor and attach a copy thereof to said petition. Such petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain the name and office of the person whose removal is sought and a statement not to exceed five hundred (500) words of the grounds for the removal. Such petition shall be signed by at least that number of electors from the City which equals twenty-five (25%) percent in number of the electors voting at the last preceding regular municipal election for Council members within the City. Within twenty (20) days after the day on which such petition shall have been filed, the Clerk shall determine whether or not it meets the requirements hereof. If the Clerk shall find the petition

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Section 11.09 was omitted in its entirety because it's not practical. The provision grants Council the power to basically enact a referendum for voter consideration of an ordinance that Council itself passed. It's difficult to fathom a situation in which this would happen. Moreover, Council has the power to repeal its ordinances.

Section 11.10 was omitted in its entirety because it's not necessary - the Revised Code has recall provisions which apply to the City in the absence of Section 11.10. This provision is also more stringent than the R.C. recall statute (e.g. 11.10 states a Council member can be recalled if he/she has served 6 months in office, whereas the R.C. states a Council member can only be recalled after a full year of service).

insufficient, he or she shall promptly certify the particulars in which the petition is defective, deliver a copy of his or her certificate to the person who filed the petition, and make a record of such delivery. Such person shall be allowed a period of ten (10) days after the day on which each delivery was made in which to make the petition sufficient. If the petition is sufficient or is subsequently made sufficient within such ten (10) day period, the City Clerk shall promptly so certify it to Council, shall deliver a copy of such certificate to the officer whose removal is sought, and shall make a record of such delivery. If such officer shall not resign within five (5) days after the day on which such delivery shall have been made, Council shall thereupon fix a day for holding a recall election, not less than sixty (60) days nor more than seventy-five (75) days after the date of such delivery, and shall cause notice of such recall election to be published on the same day of each week for two (2) consecutive weeks in a newspaper determined by Council to be of general circulation in the City. At such recall election, this question shall be placed on the Ballot: "Shall (naming the officer) be allowed to continue as (naming the office)?" with the provision on the ballot for voting affirmatively or negatively. In the event a majority of the vote is negative, such officer shall be considered as removed, his or her office shall be deemed vacant, and such vacancy shall be filled as provided in this Charter. The officer removed at such recall election shall not be eligible for appointment to the vacancy created thereby. If the officer is not removed at such recall election, no further recall petitions shall be filed against him or her for a period of one (1) year.

ARTICLE XII GENERAL PROVISIONS

12.01 CONFLICTS OF INTEREST, ETHICS, CAMPAIGN FINANCING.

The laws of the State of Ohio pertaining to conflicts of interest, criminal misbehavior, and ethics by City officials and employees, and campaign financing and other election practices of candidates for City office, shall apply be applicable under this Charter. Financial disclosures shall be required of candidates for City office.

12.02 SUCCESSION.

The City of Franklin under this Charter is hereby declared to be the legal successor of the City of Franklin under the laws of Ohio and shall have title to all property, real and personal, owned by its predecessor, including all moneys on deposit and all taxes or assessments in process of collection, together with all accounts receivable and rights of action. The City shall be liable for all outstanding orders, contracts and debts of its predecessor, and any other obligations for which it may be held liable by any court of competent jurisdiction. All contracts, including labor contracts or collection bargaining agreements, entered into by the City or for its benefit prior to the effective date of this Charter shall continue in full force and effect.

~~12.03-EFFECT OF CHARTER ON EXISTING LAWS AND RIGHTS.~~

- (a) ~~The adoption of this Charter shall not affect any preexisting rights of the City nor any right, liability, pending suit or prosecution, either on behalf of or against the City or any officer thereof, nor any franchise granted by the City nor pending proceedings for the authorization of public improvements or the levy of assessments therefor. Except as a contrary intent appears in this Charter, all acts of Council of the City including ordinances and resolutions in effect at the date this Charter becomes effective, shall continue in effect until amended or repealed.~~
- (b) ~~No action or proceeding pending against the City or an officer thereof shall be abated or affected by the adoption of this Charter. All actions or proceedings shall be prosecuted or defended under the laws in effect at the time they were filed.~~

~~12.04~~12.02 RETIREMENT SYSTEM; HEALTH DISTRICT.

The laws of Ohio governing the retirement of officers and employees of the City and the organization of health districts shall be applicable under this Charter.

~~12.05~~12.03 AMENDMENT OF CHARTER.

This Charter may be amended by ~~the voters~~ vote of the qualified electors of the City, as provided by the Constitution of Ohio or as otherwise stated in this Charter.

~~12.06~~12.04 EFFECT OF PARTIAL INVALIDITY.

A determination that all or any part of any article, section, division or paragraph of this Charter is invalid shall not invalidate or impair the force and effect of any other part, except to the extent that the other part is wholly dependent for its operation upon the part declared invalid.

~~12.07~~12.05 OFFICIAL BONDS.

The City shall furnish all surety bonds for its officers, employees, appropriate board and commission members and any other persons required by Council to be bonded. The amount of such bonds shall, in each case, be fixed by ~~the~~ Council for all persons whose duties require that they handle or be concerned with the management of the City's money or other property. These surety bonds shall be issued by a company authorized to do business in the State of Ohio and the premium on such bonds shall be paid from the funds of the City.

ARTICLE XIII TRANSITIONAL PROVISIONS

This Charter shall be submitted to the electors of the City at an election to be held June 7, 1983. If approved by a majority of those voting, the Charter shall take effect from the date the final result of the election is certified by the election authorities for the purpose of nominating and electing officers of the City and conducting municipal elections. For all other purposes, this Charter shall take effect January 1, 1984.

13.02 EFFECT OF CHARTER ON EXISTING OFFICES.

(b) The persons holding the offices of City Manager, Auditor and Law Director under the provisions of Chapter 705 of the Revised Code of Ohio, with respect to the special statutory plan of government known as the "City Manager Plan", on December 31, 1983, are hereby designated as the City Manager, Director of Finance and Law Director, respectively, under this Charter effective January 1, 1984, without a requirement that they be reappointed; and their tenure, removal from office, and powers, duties and functions shall be governed by the provisions of this Charter.

13.03 CONTINUANCE OF PRESENT EMPLOYEES.

Every employee of the City on the effective date of this Charter shall continue in such employment subject in all respects to the provisions of this Charter and ordinances, resolutions, rules or regulations enacted or promulgated under the Charter.

City of Franklin
1 Benjamin Franklin Way
Franklin, Ohio 45005
937-746-9921
www.franklinohio.org

Summary report: Litera® Change-Pro for Word 10.13.0.36 Document comparison done on 11/12/2021 12:11:09 PM	
Style name: Default Style	
Intelligent Table Comparison: Active	
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Modified DMS: iw://BRICKER-DMS.IMANAGE.WORK/BRICKER2/16900618/2	
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Table Insert	0
Table Delete	0
Table moves to	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	1176

CITY OF FRANKLIN, OHIO
RESOLUTION 2021-70

**APPROVING OR REJECTING THE TENTATIVE AGREEMENT WITH THE INTERNATIONAL ASSOCIATION OF
FIRE FIGHTERS, LOCAL 3742 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE COLLECTIVE
BARGAINING CONTRACT**

WHEREAS, in accordance with Ohio law and the rules and regulations of the State Employment Relations Board, the City and the International Association of Fire Fighters (IAFF), Local 3742, have negotiated a tentative collective bargaining agreement regarding the employees who are members of said Union; and

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

Section 1. The tentative collective bargaining agreement between the City and the IAFF, Local 3742, is hereby approved/rejected (circle one).

Section 2. Assuming the IAFF, Local 3742 approves the collective bargaining agreement as well within the required time, the City Manager is hereby authorized/not authorized (circle one) to execute, on behalf of the City, a three-year collective bargaining agreement (2022, 2023 and 2024) with the IAFF, Local 3742.

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: 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 Resolution 2021-70 passed by that body on November 15, 2021

Khristi Dunn, Clerk of Council