



1 Benjamin Franklin Way, Franklin, Ohio 45005, 937-746-9921, FranklinOhio.org

COUNCIL MEETING NOTICE

The City of Franklin, Ohio will conduct its Council Meeting on February 1, 2021 at 6:00 PM. This meeting will be conducted in compliance with Ohio's newly passed Public Meeting Law in response to COVID-19. It is being held virtually. All participants, including the Commission and Franklin Staff, members of the press, and the public, will participate via a video and audio link. All documents to be referenced in the meeting will be posted to the City of Franklin website at www.franklinohio.org before the meeting is called to order. The public will be heard just as it would be heard in a traditional, in person, meeting.

DATE: February 1, 2021
TIME: 6:00 PM.
WHERE: Virtual Meeting - Joining Information

Join from PC, Mac, Linux, iOS or Android:
<https://meetings.ringcentral.com/j/1487333897>

Join by PHONE (Audio only)
US: +1(470)869-2200
Meeting ID: 148 733 3897

This **MEETING NOTICE** has been published at www.franklinohio.org and provided directly to the press via email at Ed.Richter@coxinc.com. This meeting notice is posted at the City Building, which is currently open to the public under the COVID-19 declared state of Emergency.

Regular Meeting Agenda

1. **Call to Order.**
2. **Roll Call.**
3. **Approve the Clerk's Journal and Accept the Tapes as the Official Minutes of the January 4, 2021 Meeting.**
4. **Reception of Visitors.**
5. **Presentation.**
 - A. None.
6. **Public Hearing.**
 - A. ORDINANCE 2021-01 REPEALING AND REPLACING THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO, TITLE ONE, CHAPTER 105, AS AMENDED, TO PROVIDE PUBLIC RECORDS POLICY
 - a. Exhibit A
7. **New Business.**
 - A. RESOLUTION 2021-04 APPROVING THE APPOINTMENT OF COUNCIL MEMBERS TO THE STANDING COMMITTEES OF COUNCIL FOR THE YEAR 2021
 - B. RESOLUTION 2021-05 APPOINTING COUNCIL MEMBERS AND MEMBERS-AT-LARGE TO CERTAIN DULY AUTHORIZED BOARDS AND COMMISSIONS OF THE CITY OF FRANKLIN, OHIO AND TO OTHER REGIONAL BOARDS AND COMMISSIONS
 - a. Exhibit A
 - C. RESOLUTION 2021-06 AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH THE WARREN COUNTY ENGINEER'S OFFICE TO PARTICIPATE IN THE WARREN COUNTY JOINT SALT PURCHASING PROGRAM
 - D. RESOLUTION 2021-07 DECLARING CITY MANAGER, THE CITY'S CONTRACTING OFFICER, TO BE EMPOWERED TO APPOINT AN INTERIM CITY MANAGER IN HIS ABSENCE AS ESTABLISHED IN CHARTER SECTION 5.03

E. RESOLUTION 2021-08 – AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION FOR THE 2021 ASSISTANCE TO FIREFIGHTERS GRANT

F. RESOLUTION 2021-09- RESOLUTION OPENING PROMOTIONAL EXAMINATIONS FOR VACANT FIRE & EMS CHIEF TO OUTSIDE QUALIFIED CANDIDATES

a. Exhibit A

G. RESOLUTION 2021-10 AMENDING RESOLUTION 2020-67 ESTABLISHING THE ORGANIZATIONAL LISTINGS AND PAY RATES FOR CITY OF FRANKLIN OFFICIALS AND EMPLOYEES FOR THE YEAR 2021

a. Exhibit A

8. Introduction of New Legislation.

A. None

9. City Manager's Report.

10. Council Comments.

11. Executive Session. To consider the employment of a public employee; To consider the appointment of a public employee; to prepare for, conduct and review negotiations and bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment.

12. Adjournment.

**FRANKLIN CITY COUNCIL
CLERK'S JOURNAL**

**CITY COUNCIL REGULAR MEETING - VIRTUAL MEETING
MONDAY, JANUARY 4, 2021
6:00 PM**

CITY COUNCIL

**Brent Centers, Mayor
Todd Hall, Vice Mayor
Michael Aldridge
Denny Centers
Deborah Fouts
Paul Ruppert
Matthew Wilcher**

CITY STAFF

**Jonathan Westendorf, City Manager
Karisa Steed, Assistant to the City Manager
Lynnette Dinkler, Law Director
Cindy Ryan, Finance Director
Russ Whitman, Police Chief
Barry Conway, City Engineer
Steve Inman, Public Works Director
Khristi Dunn, Clerk of Council**

Members of the Franklin City Council met in regular session on Monday, January 4, 2021, 6:00 PM via Virtual Meeting held in compliance with amended Substitute House Bill 197 under the declared state of emergency by the State of Ohio and City of Franklin, Warren County, Ohio with Councilor Brent Centers presiding.

1. Roll Call. Mr. Brent Centers called the regularly scheduled meeting of the Franklin City Council on Monday, January 4, 2021 to order at 6:00 PM. Roll call showed:

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

Mr. Conway, Ms. Dinkler, Ms. Dunn, Mr. Inman, Ms. Ryan, Ms. Steed, Mr. Westendorf and Chief Whitman were also present. There were seven guests and one member of the press in attendance.

2. Pledge of Allegiance. The pledge of allegiance was led by Mr. Brent Centers.

3. Approve the Clerk's Journal and Accept the Tapes as the Official Minutes of the DECEMBER 21, 2020 Meeting. Mr. Brent Centers asked if there were any amendments to the Clerk's Journal. Hearing none, he called for a motion. Mrs. Fouts made the motion to approve

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the Clerk's Journal and accept the tapes as of the Official Minutes of the December 21, 2020 general meeting; seconded by Mr. Ruppert. The vote:

MR. MATTHEW WILCHER	abstain
MR. DENNY CENTERS	yes
MR. PAUL RUPPERT	yes
MR. TODD HALL	yes
MR. BRENT CENTERS	yes
MR. MICHAEL ALDRIDGE	yes
MRS. DEBBIE FOUTS	yes

Motion passed.

4. Reception of Visitors. Mr. Brent Centers opened and closed the Reception of Visitors at 6:02 PM as none asked to be heard.

5. Presentation.

A. None.

6. Public Hearing.

A. None.

7. New Business.

A. RESOLUTION 2021-01 APPOINTING A MEMBER OF COUNCIL AS MAYOR FOR THE YEAR 2021

Mr. Brent Centers asked for nominations for Mayor for 2021. Mrs. Fouts nominated Brent Centers as Mayor. With no further nominations, Mr. Brent Centers closed the nominations. Mr. Wilcher made the motion to adopt **RESOLUTION 2021-01**, appointing Brent Centers as Mayor, seconded by Mr. Ruppert. The vote:

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

Motion passed. Mr. Brent Centers will serve as Mayor for 2021 and presided over the remainder of the meeting. He thanked Council.

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B. RESOLUTION 2021-02 APPOINTING A MEMBER OF COUNCIL AS VICE MAYOR FOR THE YEAR 2021

Mayor Brent Centers asked for nominations for Vice Mayor for 2021. Mr. Aldridge nominated Todd Hall as Vice Mayor. With no further nominations, Mayor Brent Centers closed the nominations. Mrs. Fouts made the motion to adopt **RESOLUTION 2021-02**, appointing Todd Hall as Vice Mayor, seconded by Mr. Aldridge. The vote:

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

Motion passed. Mr. Hall will serve as Vice Mayor for 2021. The Mayor congratulated Vice Mayor Hall, and they both thanked Council.

C. SWEARING IN JONATHAN WESTENDORF AT THE CITY MANGER FOR THE CITY OF FRANKLIN, OHIO

The Mayor asked Mr. Westendorf to raise his right hand and repeat after him the following Oath:

I, Jonathan Westendorf, do solemnly swear that I will support the Constitution of the United States and of this State, the City Charter, and the Ordinances of the Municipal Corporation; that I will not be influenced by any consideration except that of merit and fitness in the appointment or discharge of employees; that I will not make or authorize the expenditure of public money otherwise than for adequate consideration and efficient service to the Municipal Corporation; that I will faithfully, in all other respects, discharge the duties of the Office of City Manager of the City of Franklin, State of Ohio, during my continuance in said office.

Mr. Westendorf repeated the Oath as read by the Mayor. The Mayor congratulated Mr. Westendorf and said that this Oath would be signed by Mr. Westendorf and Ms. Dunn.

D. RESOLUTION 2021-03 – OBJECTING TO THE TRANSFER BY THE OHIO DEPARTMENT OF COMMERCE, DIVISION OF LIQUOR CONTROL, OF PERMIT NO. 4687933, CLASSES D1 AND D2, TO KK6900 ENTERPRISE, LLC, DBA SUNOCO FOOD MART, 6900 SR 123, FRANKLIN, OHIO 45005

a. Exhibit A

This Resolution objects to the transfer application of a liquor permit to KK6900 Enterprise, LLC, DBA Sunoco Food Mart, 6900 SR 123, Franklin, Ohio 45005, requests a hearing on the transfer application and requests to submit available information to the Ohio Department of Commerce, Division of Liquor Control. In order to register a valid objection with the Division of Liquor Control and obtain a hearing, Council must pass a resolution. Chief Whitman informed Council that the

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address on Mr. Patel's driver's license was that of another Sunoco station, not a residence. The address on his LCC paperwork is on Clearcreek Franklin Road in Springboro. The initial Lexis Nexis background check showed multiple residence addresses in various states, but none in Ohio. This led the police to do a criminal background check. The background check showed four criminal charges in Wrightsville, Georgia. The Chief clarified that this is a correction to the Resolution as the charges are not filed in Columbus, Georgia, as indicated in the Resolution that was distributed. It is the Chief's opinion that with these findings, it is in the best interest of the City of object to the transfer of the liquor license at this time. The Mayor opened the floor for Council Deliberation. Ms. Fouts asked if Mr. Patel was connected to other local stations that had issues with liquor permits recently. The Chief answered that it was not confirmed but with the address on his driver's license matching one of those stations he assumes they are connected. Ms. Fouts asked if the City needs to look into the permits of the other stations as well. The Chief acknowledged her concern.

The Mayor asked if there were any further comments. Hearing none, he called for a motion to adopt and to include the correction of the address in Section 1 to Wrightsville, Georgia. Mr. Ruppert made the motion to adopt **RESOLUTION 2021-03** with the correction of Columbus, Georgia to Wrightsville, Georgia; seconded by Mrs. Fouts. The vote:

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

Motion passed.

8. Introduction of New Legislation.

- A. ORDINANCE 2021-01 REPEALING AND REPLACING THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO, TITLE ONE, CHAPTER 105, AS AMENDED, TO PROVIDE PUBLIC RECORDS POLICY
 - a. Exhibit A

9. City Manager's Report. Mr. Westendorf reported that Ms. Ryan had prepared the year end report for Income Tax revenue. Revenue was down approximately \$136,000, which is about two percent of the estimated income for the year. He will pass along more information as the remainder of the year end reports are completed. Mr. Westendorf deferred to the Mayor to confirm the Council Retreat date as Saturday, February 20, 2021.

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10. Council Comments.

Mr. Wilcher congratulated Mr. Westendorf on his new role as City Manager. He is looking forward to 2021. He commented that Council is on the same page in wanting to make the City great and it is a pleasure to work with the other members of Council. He thanked everyone for the outpouring of support he received during his event prior to Christmas.

Mrs. Fouts told Mr. Westendorf that Council is excited about his new position. She thinks this year will be great with all new things coming up, especially the new schools. She is also excited to work with Council during the coming year.

Mr. Aldridge congratulated Mr. Westendorf on his new position. He said that he is looking forward to working with everyone and knows that there are great things coming this year. He was happy to finish the year 2020 but has started 2021 in quarantine as his wife has tested positive for COVID-19. He reported that she is doing well.

Mr. D. Centers is glad that 2020 is over and congratulated Mr. Westendorf. He asked if Council would be in favor of keeping Mr. Sonny Lewis on the Wastewater Treatment Board. The treatment plant is in the middle of multimillion-dollar upgrade and Mr. Lewis has a great deal of knowledge about the plant. The Mayor asked if there was any opposition. Hearing none, he gave the direction to keep Mr. Lewis on the board. Mr. D. Centers was grateful that Mr. Lewis was willing to continue his service on this board. Mr. Aldridge asked staff to check if the City Manager was required to serve. Mr. D. Center replied that he did not believe it was a requirement of the City Manager. He will check on this and work with Mr. Westendorf if any further actions needs to be taken.

Mr. Ruppert congratulated Mr. Westendorf and said that he is looking forward to this year. He is glad that Mr. Wilcher is doing well. He hopes that the COVID-19 vaccinations are distributed to the public soon. He thanked staff for their effort in approving his garage expansion as today was the first day in 50 years that he was able to park two cars in his garage.

Vice Mayor Hall thanked Council for appointing him as Vice Mayor again. He appreciates the vote of confidence. He is excited to work with Mr. Westendorf and feels that great things will come this year as we move into a new era for the City. He is glad Mr. Wilcher is doing well. He reported that Channel 5 covered a birthday parade for a Franklin resident and veteran who turned 92 years old over the weekend.

The Mayor said he was thrilled to work with Mr. Westendorf and feels this a turning point for the City. He thanked Council for reappointing him and Mr. Hall to Mayor and Vice Mayor. The trust means a great deal to him. His plan for Committees is to keep them the same, as there were not many Committee meetings in 2020. He directed Council to reach out to him if a change was requested.

Nonunion, Cost-of-living salary adjustments will be discussed at the next meeting.

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The Council Retreat will be held on Saturday, February 20. He asked for Council discussion on the length of the retreat, if Saturday was the best day of the week or if it should be moved to a weekday, and if Council wanted to discuss a few big issues or if they wanted to have each member send in a list of topics to be addressed. He asked Council what their ideal retreat would look like. After Council discussion, it was decided to keep the retreat on a Saturday and that each Council member would email a list of ideas to discuss to Mr. Westendorf. Due to the COVID shut down after the 2020 retreat, they would also like a recap of the 2020 goals. The Department updates will be done during Council meetings instead of being included in the retreat due to timing issues. Mr. Westendorf confirmed that he would distribute a summary of the 2020 retreat to Council in the next few days to aid in preparation for the 2021 retreat. The venue will likely change to accommodate social distancing and will be posted in the public notice.

The Mayor gave Ms. Dunn permission to use his digital signature for minutes and legislation passed that evening.

11. Adjournment. The Mayor called for a motion to adjourn the meeting. Mr. Aldridge made the motion; seconded by Mr. D. Centers. The Mayor called for a voice vote and by voice vote the motion was approved 7-0.

Mayor Brent Centers adjourned the meeting at 6:28 PM.

Brent Centers, Mayor

Khristi Dunn, Clerk of Council

LEGISLATIVE COVER MEMORANDUM

Date: January 4, 2021

Agenda Item: Ordinance 2021-01
**REPEALING AND REPLACING THE CODIFIED
ORDINANCES OF THE CITY OF FRANKLIN, OHIO,
TITLE ONE, CHAPTER 105, AS AMENDED, TO PROVIDE
PUBLIC RECORDS POLICY**

Submitted By: Lynnette Dinkler, Law Director

Scope/Description: This ordinance permanently replaces the emergency ordinance passed by Council as Ordinance 2020-16.

Emergency Legislation: No

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

RECOMMENDATION: Staff recommends adoption.

CITY OF FRANKLIN, OHIO
ORDINANCE 2021-01

**REPEALING AND REPLACING THE CODIFIED ORDINANCES OF
THE CITY OF FRANKLIN, OHIO, TITLE ONE, CHAPTER 105,
AS AMENDED, TO PROVIDE PUBLIC RECORDS POLICY**

WHEREAS, Title One, Chapter 105, of the City of Franklin's Codified Ordinances defines and regulates the policy governing production, retention and disposal of records of the City in accordance with Ohio Revised Code Chapter 149; and

WHEREAS, Council desires to establish updated procedures and responsibilities, as applicable under Ohio Revised Code Chapter 149 because it values transparency in the operation of its local government;

WHEREAS, Council desires to take these actions to ensure consistency in its codified ordinances and to protect the health, safety and welfare of its citizens with regard to records production, retention and disposition; and

WHEREAS, Council passed emergency legislation via Ordinance 2020-16 and this legislation permanently replaces it.

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

SECTION 1: Council for the City of Franklin, Ohio hereby repeals Title One, Chapter 105, in its entirety.

SECTION 2: Council for the City of Franklin hereby adopts and replaces Title One, Chapter 105, as reflected in Exhibit A, attached hereto.

SECTION 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of Council and that all deliberations of the Council and any of the decision making bodies of the City of Franklin which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the State of Ohio.

Passed by Council this 4th day of January, 2021.

ATTEST: _____ APPROVED: _____
Khristi Dunn, Clerk of Council Brent Centers, Mayor

ORDINANCE 2021-01

EXHIBIT A

CHAPTER 105 Public Records Policy

105.01	Purpose	105.06	Fulfilling the Public Records Request
105.02	Scope	105.07	Record Exemptions and Limitations
105.03	Definitions	105.08	Records Retention and Maintenance
105.04	What is a Public Record?	105.09	Police and Fire Departments
105.05	Public Records Requests		

CROSS REFERENCES

Availability of Public Records – see O.R.C. 149.43

105.01 PURPOSE

The purpose of this Public Records Policy is to inform and provide City of Franklin employees of and with a policy, process, and procedure to follow when responding to Public Records Requests that complies with Ohio and federal laws regarding the disclosure of public records while still maintaining privacy and confidentiality of records and information that may be subject to an exception.

Ohio's Public Records Act requires public offices, including municipalities, to make any records created and maintained in the ordinary course of business available to the public, unless specifically exempted by Ohio or federal law. The purpose of the Public Records Act is to provide Ohio citizens and all persons with the ability to become and remain informed about the actions or inactions of government officials. This is intended to provide better government and public policies.

105.02 SCOPE

This Policy applies to all City employees and all requests for City records, whether made verbally or in writing.

105.03 DEFINITIONS

The following terms related to this Policy are defined as follows:

- (a) Archive. Includes any public record that is transferred to the state archives or other designated archival institutions because of the historical information contained on it.

- (b) Charter. A “charter” is an instrument established by the citizens of a municipality, which is analogous to a state’s constitution. A charter outlines certain rights, responsibilities, liberties, or powers that exist in the municipality.
- (c) City. Where the term “City” is used herein, it shall mean the Department, public official or other person have charge and custody of the public records being requested.
- (d) Color of Office. Includes any act purported or alleged to be done under any law, ordinance, resolution, order, or other pretension to official right, power, or authority. See R.C. –§ 149.011(E).
- (e) Commercial. “Commercial” does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.
- (f) Cost. “Cost” means the cost of depleted supplies; record storage media costs; actual mailing costs; any direct equipment operating and maintenance costs, including actual costs paid to private contractors for copying services or transcription services; and/or any other cost for materials, equipment, and other things necessary for the retrieval, copying and transmitting of the documents.
- (g) Discovery. “Discovery” is a pre-trial practice by which parties to a lawsuit disclose to each other documents and other information in an effort to avoid any surprises at trial. The practice serves the dual purpose of permitting parties to be well-prepared for trial and enabling them to evaluate the strengths and weaknesses of their case.
- (h) In Camera. “In camera” means in chambers. In camera reviews occur when a Judge will review records that are at issue in a public records request off the record to evaluate whether they are subject to any exemptions or defenses that may prevent public disclosure.
- (i) Injunction. An “injunction” is a court order requiring that a person and/or entity act or cease to act in a certain way. For example, if a person who believes a public body has violated the Open Meetings Act files a complaint seeking injunctive relief, the Court may then issue an Order enjoining the public body from further violations and/or requiring it to correct any damage caused by previous violations.
- (j) Litigation. “Litigation” is the process of carrying on a lawsuit and all proceedings and procedures associated with it.
- (k) Mandamus. The term “Mandamus” means we command. A mandamus action refers to a legal action / litigation proceeding that another party files when he/she believes he/she wants to compel a public official to either do something or cease doing something. In the context of public records, a mandamus action would be filed by another person and/or entity for the Court to order a public office to turn over records pursuant to a public records request. The proper name for a Mandamus Action is a petition for a Writ of Mandamus. If the party filing the action (the Relator) prevails, the court may issue a writ commanding the public office and/or person in violation (the Respondent) to correctly perform the duty violated.

- (l) Public Assistance. Means financial assistance or social services that are provided under a program administered by the Department of Job and Family Services or a County Agency pursuant to R.C. Chapters 329, 5101, 5104, 5107, or 5108; or an Executive Order issued under a Federal public benefits program, pursuant to R.C. §107.17.
- (m) Public Assistance Recipient. Means an applicant for, current recipient of, or former recipient of public assistance.
- (n) Public Office. Includes any state agency, public institution, political subdivision, or other organized body, office, agency, institution, or entity established by the laws of the State of Ohio for the exercise of any function of government. Public office does not include a non-profit corporation formed for JobsOhio, pursuant to R.C. §187.01.
- (o) Public Official. Includes all officers, employees, or duly authorized representatives or agents of a public office.
- (p) Pro Se. Pro se means for oneself. The term refers to people who represent themselves in court, acting as their own legal counsel.
- (q) Prompt. This standard will be judged within the context of the circumstances of each individual request, taking into account the volume of records requested, the proximity of the location where the records are stored, the necessity for any legal review and redaction, and other facts and circumstances of the records requested.
- (r) Public Record. “Public record” shall mean any record that serves to document the organization, policies, functions, decisions, procedures and other activities of the Council and the City’s administrative offices, boards and committees; shall be determined by an actual use standard; and shall be defined as in §149.43(A) of the Ohio Revised Code and the same exceptions outlined in that Section shall apply.
- (s) Reasonable. This standard will be judged within the context of the circumstances of each individual request, taking into account the volume of records requested, the proximity of the location where the records are stored, the necessity for any legal review and redaction, and other facts and circumstances of the records requested.
- (t) Reasonable Request. A request to inspect public records or for copies thereof shall reasonably identify what public records are being requested, and shall not be ambiguous or overly broad. If a request is not reasonable, the City may deny the request, but shall provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained and accessed in the ordinary course of the City’s business.
- (u) Redaction. “Redaction” means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of “public record.”
- (v) Regular Business Hours. “Regular Business Hours” means the normal business hours of the City of Franklin Municipal Building, excluding holidays or any day that the Municipal Building is closed.

- (w) Requester. The “requester” is the person asking for records. The requestor does not have to put his or her request in writing and does not have to provide his or her identity or the intended use of the requested records. Nothing in this section, however, shall limit the City’s right to ask for certification that the records will not be used for commercial purposes, as otherwise provided in this Chapter.

105.04 WHAT IS A PUBLIC RECORD?

The Ohio Public Records Act only applies to “public records.” The Public Records Act defines public records as records kept by any public office.

Under R.C. § 149.011(G), a record is defined as:

- (a) Any document, device, or item, regardless of physical form or characteristic, including an electronic record;
- (b) The document was created by, received by, or coming under the jurisdiction of any public office of the [State of Ohio] or its political subdivisions;
- (c) The document serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

105.05 PUBLIC RECORDS REQUESTS

The City organizes and maintains its public records so that they are available in response to public records requests. The City also maintains a copy of its current Retention Schedule at the City Clerk’s Office so that it is readily available to the public.

- (a) Form of Public Records Request. Public records requests may be made anonymously. There is no requirement for any individual and/or entity making a public records request to identify themselves or indicate the reason and/or purpose for obtaining the requested records. The City has a Public Records Request Form that individuals and/or entities may use to submit public records requests. The City does not require the Form to be used when making a public records request. However, using the Form will assist the City in obtaining and compiling the information for a requester’s review more quickly. Additionally, the more information that the requester provides to the City when making a records request will assist the City in fulfilling the records request more quickly and efficiently. Unless a records request is ambiguous and/or overbroad, the City will notify all requesters that they may decline to provide more specific information in writing.
- (b) Withholding and/or Redacting Information. The City may withhold and/or redact information contained in a record if the information is exempt under Ohio and/or Federal law. The City will provide an explanation, with the relevant legal citation, when declining a records request. If information has been redacted pursuant to an exemption, the redaction will be clearly made with the relevant legal citation.
- (c) Limitations on Records Requests. The City may limit the number of records that it transmits by United States mail or any other delivery means to a particular requester to only ten (10) per month, unless the requester certifies in writing that the requested records and/or the information contained in the records will not be used or forwarded for commercial purposes. Commercial does not include:

- (1) Reporting or gathering of news;
- (2) Reporting or gathering of information to assist citizen oversight or understanding the operation or activities of government; or
- (3) Non-profit educational research.

In limiting a records request, the City will not:

- (1) Limit the number of public records made available to a single person;
- (2) Limit the number of records the public office will make available during a fixed period of time; or
- (3) Establish a fixed period of time before the public office will respond to a request for inspection or copying of public records.

(d) Ambiguous and Overly-Broad Requests. Requesters must identify records and information being sought “with reasonably clarity.” If the City cannot adequately identify documents responsive to a records request, the City will ask the requester for additional information in order to sufficiently identify the records being sought. This may include the purpose and/or reasons that the requester is seeking the information, because this may assist the City to identify what exactly the requester is looking for. The requester does not have to provide additional information. However, the requester should be made aware that the records request may be denied if the additional information is not provided for the City to sufficiently identify responsive records. An ambiguous request is a request that lacks the clarity the City needs to determine what information and/or records the requester is seeking and where to look for responsive records. An overly broad request is a request that is so inclusive, the City cannot identify the records sought based upon how the City routinely organizes and accesses records. Additionally, a request is overly broad when it amounts to a complete duplication of a major category of records. Overly broad requests include, but are not limited to:

- (1) All records containing particular names or words;
- (2) Duplication of all records related to a specific topic or all records of a specific type;
- (3) Every report filed with the public office for a particular time period, but only when the public office does not organize records in that manner;
- (4) All e-mails sent or received by a particular e-mail address with no subject matter and time limitation;
- (5) All e-mails between two employees, when e-mails are not organized by the sender and recipient in that manner; and
- (6) All documents which document any and all instances of a particular topic (such as lead poisoning) in the last 15 years in any dwelling owned or operated by the public office.

105.06 FULFILLING THE PUBLIC RECORDS REQUESTS

(a) Choice of Medium and Delivery Method. The City will provide prompt inspection of records at no cost during regular business hours. If the requester specifically wants copies, the costs of copies are as follows:

- (1) Paper copies are 10 cents per page;

- (2) Electronic files downloaded to a compact disk (CD) are \$2.00 per disc or thumb drive;
- (3) Electronically e-mailed documents have no charge; and
- (4) The actual cost of postage, mailing supplies, and/or other delivery charges apply.

The City will also provide copies of requested records within a reasonable period of time.

(b) Documents that Can be Withheld: Non-Records and Documents that Must Be Created. The City may withhold any information and/or documents that are “non-records.” Non-records include items, information, and/or documents that do not document the organization, functions, policies, decisions, procedures, operations, or other activities of the office. The City will not create a document or record in order to respond to a records request – even if the request requires the compilation of information from already existing records. An example of this would be a list and/or table documenting or summarizing programs the City is actively participating in if the City does not routinely keep and/or maintain such information.

(c) Denying, Withholding or Redacting Records. Under law, the City may be obligated and/or permitted to deny, withhold, and/or redact records.

Redaction means obscuring or deleting any information that is exempt from the requirement to produce a public record. For records on paper, redaction is the blacking or whiting out of non-public information. A public office can redact audio, video, and other electronic records by processes that obscure or delete specific content.

If a record contains exempt information, the City will still make the non-exempt information available to the requester.

However, if redacting the information from a record will not protect the exempt information, the City may withhold the entire record.

The City will either make the redactions plainly visible or provide an explanation as to why the information had to be redacted.

(d) No Obligation to Respond to Duplicate Requests. The City has no obligation to respond to a previously denied request if the requester asks for the same (or substantially similar) records a second time.

105.07 RECORD EXEMPTIONS AND LIMITATIONS

(a) Public records may be exempted based on Ohio and/or Federal law. When certain exemptions are invoked, the City may only withhold a record or part of a record that is covered by the exemption. If the City withholds any record on the basis of an exemption, the City will clearly document and state what exemption the City is relying on to withhold the record.

(b) State Exemptions. Exemptions under Ohio law may include, but are not limited to, the following:

- (1) Medical records;
- (2) Records of probation, parole, community control, and/or non-life felony indefinite prison term sentences;
- (3) Records related to minors seeking abortions;
- (4) Records pertaining to adoption proceedings;
- (5) Information contained in the putative father registry;
- (6) Trial preparation records;
- (7) Confidential law enforcement investigatory records;
- (8) Records containing confidential information related to mediations;

- (9) Records containing confidential information related to unlawful discriminatory practice charges and allegations submitted to the Civil Rights Commission;
- (10) DNA records;
- (11) Inmate records;
- (12) Intellectual property records;
- (13) Donor profile records;
- (14) Designated public service worker residential and familial information;
- (15) Trade secrets and related information;
- (16) Information pertaining to the recreational activities of a person under the age of 18;
- (17) Child fatality review board information;
- (18) Nursing home test materials, examinations, or evaluation tools;
- (19) Records the release of which is prohibited under Ohio or Federal law;
- (20) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio Venture Capital Authority;
- (21) Financial statements and data any individual submits for any purpose to the Ohio Housing Finance Agency or the controlling board;
- (22) Daycare records;
- (23) Discharges recorded with a county recorder regarding individuals discharged from the armed forces;
- (24) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;
- (25) Records received and/or created by JobsOhio;
- (26) Information and records that are confidential related to manufacturers of lethal injections;
- (27) Any information created, received, maintained, and/or otherwise in the custody of a government entity that has an individual's social security number on it;
- (28) The confidential name, address, and other personally identifiable information of a program participant in the Address Confidentiality Program;
- (29) Orders for active military service of an individual serving or with previous service in the armed forces of the United States;
- (30) The name, address, contact information, or other personal information of an individual who is less than eighteen (18) years of age that is included in any record related to a traffic accident involving a school vehicle in which the individual was an occupant at the time of the accident;
- (31) Protected health information, as defined by 45 C.F.R. § 160.103 of the Health Insurance Portability and Accountability Act, that reveals the identity of the individual subject to the data or could reasonably reveal the individual's identity;
- (32) Any depiction by photograph, film, videotape, or printed or digital image of a victim of a sexually oriented offense;
- (33) Restricted portions of a body-worn camera or dashboard camera recording;
- (34) Fetal-infant mortality review board information;
- (35) Pregnancy-associated mortality review board information;
- (36) Telephone numbers for a victim, a witness to a crime, or a party to a motor vehicle accident being investigated;
- (37) Bureau of Criminal Identification and Investigation information;

- (38) Reports, records, and other information regarding and/or related to instances of actual or threatened domestic violence;
 - (39) Reports, records, and other information regarding and/or related to minor children;
 - (40) Competitive bid proposals, until a final award is made;
 - (41) Information and records related to critical systems and infrastructure;
 - (42) Information related to employee assistance programs
 - (43) Unemployment compensation, benefits, tax, and wage records; and
 - (44) Worker's compensation.
- (d) Federal Exemptions. Exemptions under federal law may include, but are not limited to, the following:
- (1) Records and information specifically deemed secret pursuant to an Executive Order in the interest of national defense or foreign policy and are properly classified as such;
 - (2) Trade secrets and/or other commercial or financial information considered privileged by the owner of the information;
 - (3) Personnel and medical files that would clearly constitute an unwarranted invasion of personal privacy;
 - (4) Geological and geophysical information and data, including maps, regarding and/or related to wells;
 - (5) Internal Revenue Service information, tax returns, and income return information;
 - (6) Confidential, protected health information, pursuant to and/or related to Medicaid, Medicare, CHIP I and II, HIPAA, and Refugee Medical Assistance;
 - (7) Social Security Numbers;
 - (8) Unemployment compensation benefits, tax, and wage records.

105.08 RECORDS RETENTION, MANAGEMENT AND MAINTENANCE

The City has adopted a Records Retention Schedule that is on file in the Clerk's Office and available upon request. The Retention Schedule assists the City in maintaining all public records for a sufficient length of time, while the records are used and/or needed by the City, but without overburdening the City through maintenance and storage. The City organizes and maintains its public records in a manner that the records can be made available for inspection or copying in response to a public records request.

The City prohibits and condemns the unauthorized removal, destruction, mutilation, transfer, damage, or disposal of any record (or part of a record), except as provided by law or under the Retention Schedule.

105.09 POLICE AND FIRE DEPARTMENTS

Authority is hereby given to the Chief of Police and the Chief of Fire EMS to enact separate public records policies for their respective departments, so long as said policies comply with Ohio and Federal law.

CITY OF FRANKLIN, OHIO
RESOLUTION 2021-04

**APPROVING THE APPOINTMENT OF COUNCIL MEMBERS TO
THE STANDING COMMITTEES OF COUNCIL FOR THE YEAR 2021**

WHEREAS, Section 11 of the Rules of Council requires the Council to maintain certain standing committees of Council; and

WHEREAS, Section 11 of the Rules of Council further requires that each Council member serve as Chair of one standing committee of Council; and

WHEREAS, Section 11 of the Rules of Council authorizes the Mayor to make all appointments to said standing committees, with the approval of Council by Resolution; and

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

Section 1. The following appointments to the standing committees of Council, made by the Mayor for the year 2021, are hereby approved:

- A. FINANCE COMMITTEE
Denny Centers, Chair
Michael Aldridge
Matt Wilcher
- B. SAFETY COMMITTEE
Brent Centers, Chair
Michael Aldridge
Matt Wilcher
- C. PUBLIC WORKS & UTILITIES COMMITTEE
Matt Wilcher, Chair
Denny Centers
Paul Ruppert
- D. GOVERNMENT AFFAIRS COMMITTEE
Debbie Fouts, Chair
Denny Centers
Todd Hall
- E. ECONOMIC DEVELOPMENT & PLANNING COMMITTEE
Michael Aldridge, Chair
Todd Hall
Debbie Fouts
- F. PARKS & RECREATION COMMITTEE
Paul Ruppert, Chair
Matt Wilcher
Brent Centers

G. ENVIRONMENTAL AFFAIRS COMMITTEE
Todd Hall, Chair
Paul Ruppert
Debbie Fouts

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: February 1, 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 2021-04 passed by that body on February 1, 2021.

Khristi Dunn, Clerk of Council

CITY OF FRANKLIN, OHIO
RESOLUTION 2021-05

**APPOINTING COUNCIL MEMBERS AND MEMBERS-AT-LARGE TO CERTAIN DULY
AUTHORIZED BOARDS AND COMMISSIONS OF THE CITY OF FRANKLIN, OHIO AND
TO OTHER REGIONAL BOARDS AND COMMISSIONS**

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 member of Council and his or her alternate are hereby appointed to the Miami Valley Regional Planning Commission (MVRPC) for a one (1) year term, January 1, 2021, to December 31, 2021:

Debbie Fouts

Jonathan Westendorf, Alternate

Section 2. The following person and his or her alternate are hereby appointed to the Miami Valley Regional Planning Commission Technical Advisory Committee (MVRPC-TAC) for a one (1) year term, January 1, 2021, to December 31, 2021:

Jonathan Westendorf

Barry Conway, Alternate

Section 3. The following member of Council is hereby appointed to the City of Franklin Planning Commission for a one (1) year term, January 1, 2021 to December 31, 2021.

Paul Ruppert, Council Member

Section 4. The following person is hereby appointed to the Warren County Board of Health for a one (1) year term, January 1, 2021, to December 31, 2021:

Adam McClanahan

Section 5. The following person is hereby appointed to the Franklin Regional Wastewater Treatment Corporation for a three (3) year term, January 1, 2021, to December 31, 2023:

Sonny Lewis

Section 6. The following persons are hereby appointed to the Parks and Recreation Board for a four (4) year term, January 1, 2021, to December 31, 2024:

Betsy Westendorf

David Hopper

Section 8. The following person is hereby appointed to the Civil Service Commission for a six (6) year term, January 1, 2021, to December 31, 2026:

Ben McCullough

Section 10. 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 11. 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 12. This Resolution shall become effective immediately upon its passage.

ADOPTED: February 1, 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 2021-05 passed by that body on February 1, 2021.

Khristi Dunn, Clerk of Council

BENJAMIN MCCULLOUGH

52 Field Crest DR Franklin, OH 45005 | C: 419-799-1057 | ben.mccullough86@gmail.com

May 29, 2020
Clerk of Council
City of Franklin
1 Benjamin Franklin Way
Franklin, Ohio 45005

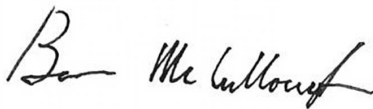
To Whom It May Concern,

My name is Ben McCullough and I am interested in one of the vacant Civil Service Commission positions identified on your website. Instead of listing a few bullet points, I thought this section deserved some additional attention and thought. My wife Kristi and I moved into our first house last June and are very happy that we moved to Franklin. We are hoping to get more involved with the community and I thought the position above would be a good opportunity to learn more about Franklin and be able to serve.

As for possible qualifications, I have a bachelor's degree in Political Science from Wittenberg University and a master's degree in International Comparative Politics from Wright State University. I also possess over 10 years of experience working in a DoD and military environment and have worked with multiple government agencies and departments at both the Federal and State levels. I have also worked with multiple state and local interest groups and very familiar with the issues and challenges facing Ohio's communities.

Finally, please feel free to reach out if you have any questions or require additional information. I am more than happy to answer any questions you have. I would also be more than honored to be given the opportunity to serve on the Civil Service Commission and be able to give back to the community. Thank you for your time and consideration.

Respectfully,

A handwritten signature in black ink that reads "Ben McCullough". The signature is written in a cursive, flowing style.

Ben McCullough

LEGISLATIVE COVER MEMORANDUM

Meeting Date: February 1, 2021

Agenda Item: **Resolution 2021-06**
AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT
WITH THE WARREN COUNTY ENGINEER'S OFFICE TO PARTICIPATE
IN THE WARREN COUNTY JOINT SALT PURCHASING PROGRAM

Submitted by: Steve Inman, Public Works Director

Scope/Description: This is the fifth year we have contracted with the Warren County Engineer's Office to purchase road salt. Last year we received our salt from Cargill at a price of \$80.35 per ton. We used approximately 760 tons of salt for the 2020 season. We have to provide the County Engineer with an estimate of salt needed for the 2021 season before they go out to bid. We have estimated our purchase at 2,000 tons; although we are only required under the program to purchase what we need, which could be less than the 2,000 tons we are estimating.

Since participating in the program, our prices for road salt have been:

2020	\$80.35 (Cargill)
2019	\$84.40 (Cargill)
2018	\$76.96 (Cargill)

Budget Impact: Street Fund and State Highway Fund. At last year's pricing, 2,000 tons would cost \$160,700.

Exhibits: None

Recommendation: Approval

CITY OF FRANKLIN, OHIO
RESOLUTION 2021-06

**AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH
THE WARREN COUNTY ENGINEER'S OFFICE TO PARTICIPATE IN
THE WARREN COUNTY JOINT SALT PURCHASING PROGRAM**

WHEREAS, upon the recommendation of the City Manager and the Public Works Director, this Council desires to purchase road salt for the 2021-22 winter season by joining with other political subdivisions in Warren County to bid for said purchase through the Warren County Joint Salt Purchasing Program; and

WHEREAS, the Warren County Engineer's Office will oversee the Warren County Joint Salt Purchasing Program and will undertake the bidding for road salt on behalf of the participating political subdivisions, in accordance with all applicable State and local requirements regarding competitive bidding; and

WHEREAS, this Council desires to enter into an agreement with the Warren County Engineer's Office to participate in the Warren County Joint Salt Purchasing Program in order to obtain a competitive price for salt, the price of which recently dramatically increased, and to expedite the bidding process for road salt for the 2021-2022 winter season;

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

Section 1. The City Manager is hereby authorized to execute all necessary contracts and documents, upon such terms and conditions as are approved by the Law Director, with the Warren County Engineer's Office in order to participate in the Warren County Joint Salt Purchasing Program for the bidding and purchase of road salt for the 2021-2022 winter season.

Section 2. The Public Works Department is hereby authorized to allocate storage space to receive and store road salt that is purchased through the Warren County Joint Salt Purchasing Program, and shall forward to the Warren County Engineer's Office an estimate of 3,000 tons as the amount of road salt the City may purchase for the 2021-2022 winter season.

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: February 1, 2021

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
Brent Centers, Mayor

LEGISLATIVE COVER MEMORANDUM

Meeting Date: February 1, 2021

Agenda Item: **Resolution 2021-07**
DECLARING CITY MANAGER, THE CITY'S
CONTRACTING OFFICER, TO BE EMPOWERED TO
APPOINT AN INTERIM CITY MANAGER IN HIS
ABSENCE AS ESTABLISHED IN CHARTER SECTION
5.03

Submitted By: Lynnette Dinkler, Law Director

Scope/Description: This Resolution will empower the City Manager to appoint an Interim City Manager to carry out the City's objectives, in his absence, as provided for by the City's Charter.

Budgetary Impact: None.

CITY OF FRANKLIN, OHIO
RESOLUTION 2021-07

**DECLARING THE CITY MANAGER, THE CITY'S CONTRACTING OFFICER, TO BE
EMPOWERED TO APPOINT AN INTERIM CITY MANAGER, IN HIS ABSENCE, TO CARRY
OUT THE CITY'S OBJECTIVES, AS ESTABLISHED IN CHARTER SECTION 5.03**

WHEREAS, Charter of the City of Franklin, Ohio, Effective January 1, 1984, and last amended on January 1, 2018, Section 5.03 INTERIM CITY MANAGER, provides:

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 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.);

WHEREAS, Council and the City Manager seek to plan and prepare for absences in advance to allow for the smooth operation of City business under periods of less than thirty (30) days;

WHEREAS, the approval of the following individuals to serve in this capacity will allow for the immediate appointment of an Interim City Manager as such needs arise.

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

Section 1. It is hereby declared necessary for the preservation of the public health, safety and welfare of the City of Franklin, Ohio, to allow the City Manager to appoint an Interim City Manager, in his temporary absence of thirty (30) days or less, with the approval of Council, to carry out the City's objectives. With approval of Council, the City Manager is hereby authorized to appoint Karisa Steed or Barry Conway to serve as Interim City Manager under such absence.

Section 2. The City Manager is hereby empowered and directed, by Council under Charter Section 3.03(i), to carry out the City's objectives by appointing an Interim City Manager to carry out the City's objectives, in his absence for thirty (30) days or less, consistent with Charter Section 5.03.

Section 3. This Resolution shall become effective immediately upon its passage and will remain in full force and effect until otherwise resolved by Council.

ADOPTED: February 1, 2020

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 2021-07 passed by that body on February 1, 2021.

Khristi Dunn, Clerk of Council

LEGISLATIVE COVER MEMORANDUM

Meeting Date: February 1, 2021

Agenda Item: **Resolution 2021-08**
AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION FOR
THE 2021 ASSISTANCE TO FIREFIGHTERS GRANT

Submitted By: Jonathan M. Westendorf

Scope/Description: We are requesting authorization to submit a 2021 Assistance to Firefighters Grant application. This year's project will focus on health and wellness of our staff. First, the SCBA washer cleans and decontaminates the breathing apparatus firefighters. Second, a turnout gear dryer improves comfort while eliminating mold and bacteria. Finally, an AeroClave to decontaminating apparatus and large spaces within the station utilizing hands free cleaning of apparatus, rooms and equipment, with the ability to hand spray smaller items.



Budget Information: No budgetary impact at this time. If our grant application is successful, the City of Franklin has a 5% local match of the overall project cost with the grant award funding the remaining 95% of the project.

Local Grant for the City of Franklin

The total project is estimated at \$ 54,066.00.

Federal Share	95%	\$ 51,362.70
Local Share	5%	\$ 2,703.30

Recommendation: We respectfully request authorization of this resolution.

CITY OF FRANKLIN, OHIO
RESOLUTION 2021-08

**AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION FOR THE 2021
ASSISTANCE TO FIREFIGHTERS GRANT**

WHEREAS, the 2021 Assistance to Firefighters Grant Program provides federal funds to assist in the purchase of equipment needed by fire departments; and

WHEREAS, the City of Franklin Division of Fire is in need of a SCBA washer to clean and decontaminate the breathing apparatus firefighters; and

WHEREAS, the City of Franklin Division of Fire is in need of a turnout gear dryer to improve comfort while eliminating mold and bacteria; and

WHEREAS, the City of Franklin Division of Fire is in need of an AeroClave to decontaminate apparatus and large spaces within the station utilizing hands free cleaning of apparatus, rooms and equipment, with the ability to hand spray smaller items; and

WHEREAS, if the application is approved, the City will receive grant monies equal to ninety-five percent (95%) of the total purchase cost; and

WHEREAS, the City's percent (5%) local matching share of the total purchase cost has been budgeted for.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Franklin, Ohio, that:

Section 1. The City Manager is hereby directed to execute and file an application and to execute and submit any needed information or documentation required with said application, for a grant under the 2021 Assistance to Firefighters Grant Program. The grant application shall be for:

Total Purchase Cost:	\$ 54,066.00
Grant Funding (95%)	\$ 51,362.70
Local Share (5%)	\$ 2,703.30

Section 2. This Council hereby acknowledges and agrees that if the City's application is approved, participation in the 2021 Assistance to Firefighters Grant Program will require compliance with the Program's guidelines and assurances.

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: February 1, 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 February 1, 2021

Khristi Dunn, Clerk of Council

LEGISLATIVE COVER MEMORANDUM

Meeting Date: February 1, 2021

Agenda Item: **Resolution 2021-09**
RESOLUTION OPENING PROMOTIONAL EXAMINATIONS FOR
VACANT FIRE & EMS CHIEF TO OUTSIDE QUALIFIED CANDIDATES

Submitted By: Jonathan M. Westendorf

Scope/Description: If adopted, this resolution will permit a comprehensive search to be conducted for the City's next Fire & EMS Chief, by allowing qualified outside candidates to apply for the position as well as any within the City's service. Additionally, the resolution approves the use of The Ohio Fire Chiefs' Association to conduct its Fire Chief Selection Process.

Required Vote: The affirmative vote of at least five (5) members of council is required for passage of this Resolution.

Exhibits: Exhibit A, The Ohio Fire Chiefs' Association Fire Chief Selection Process

Recommendation: We respectfully request authorization of this resolution.

CITY OF FRANKLIN, OHIO
RESOLUTION 2021-09

**RESOLUTION OPENING PROMOTIONAL EXAMINATIONS FOR VACANT FIRE & EMS
CHIEF TO OUTSIDE QUALIFIED CANDIDATES**

WHEREAS, as of January 1, 2021 the position of Fire & EMS Chief is vacant; and

WHEREAS, the Fire & EMS Chief position is a classified position within the Civil Service; and

WHEREAS, the appointing authority for the Fire & EMS Chief position is the City Manager pursuant to Part One, Title Five, Chapter 152, Section 152.02; and

WHEREAS, Part One, Title Seven, Chapter 185, Section 185.06, provides:

185.06 Promotional Examinations.

The promotional examinations for positions in the classified service may be opened to qualified candidates outside the City's service, upon the adoption of a resolution by Council, passed by an affirmative vote of at least five (5) members elected thereto.

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

WHEREAS, Part One, Title Seven, Chapter 185, Section 185.03 (b), provides:

185.03 (b) Additional Powers and Duties: The Civil Service Commission shall also have any other powers or duties assigned to it by the Council, by ordinance or resolution, and/or by the civil service laws of the State, to the extent that those laws do not conflict with the provisions of the City's Charter.

WHEREAS, The City Manager recommends the City employ The Ohio Fire Chiefs' Association ("OFCA") Fire Chief Selection Process. The Fire Chief Selection Process prepared for the City of Franklin is attached as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Franklin, Ohio, that:

Section 1. It is in the best interest of the City of Franklin to consider both internal and outside qualified candidates to fill the vacant Fire & EMS Chief position, which is subject to mandatory competitive testing.

Section 2. The promotional examinations for the vacant Fire & EMS Chief position in the classified service is hereby opened to qualified candidates outside the City's service pursuant to Section 185.06 and 185.03(b).

Section 3. The services of OFCA shall be retained to conduct the Fire Chief Selection Process, which shall be conducted in compliance with all mandatory Commission rules and regulations governing the application process for Fire & EMS Chief, including but not limited to mandatory competitive testing, Chapter Six governing the application process, and general and specific candidate qualifications.

Section 4. The affirmative vote of at least five (5) members of council is required for passage of this Resolution.

Section 5. 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 6. This Resolution shall become effective immediately upon its passage.

ADOPTED: February 1, 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 February 1, 2021

Khristi Dunn, Clerk of Council



The Ohio Fire Chiefs' Association

Fire Chief Selection Process

January 8, 2021

Prepared for the City of Franklin

The Ohio Fire Chiefs' Association (OFCA) provides assistance to all types of government agencies in the search and selection of new Fire Chiefs and executive and administrative officers. With our experience and attention to detail, we are able to streamline and coordinate search efforts to identify the best candidate for your organization. Our services are designed to be customized for any type of organization; municipal, township or fire district, and any type of structure; volunteer, career or combination department.

The OFCA has developed a multiple-step process to evaluate applicants for executive level positions such as Fire Chief. There are numerous options associated with the process. The recommend steps and options for consideration are described below:

1. The OFCA will develop and monitor a timeline for significant events of the selection and testing process, making appropriate adjustments when required.
2. The OFCA will develop a position profile for the Franklin Fire Chief position that will provide the foundation for the selection process. Based on the existing job description of the position and input from City officials and others, the position profile provides a description of skills and experience the new Chief should possess; i.e. accomplishments and expertise, leadership, knowledge, experience, training and education. The position profile is developed by the OFCA team meeting with city administration officials and fire department personnel.
3. Based on information developed for the position profile during meeting with city officials and fire department members, a job ad will be developed. The position is then advertised utilizing the OFCA Web Page and two statewide email distributions. The email distribution is also typically picked up by several out-of-state outlets. This should

effectively reach the target audience and typically yields a significant number of qualified applicants to review.

4. All resumes and applications are received by the OFCA. If Franklin has an application form that they wish to be included in the application process, this can be accommodated. All phone calls, questions or information requests are handled by the OFCA.
5. All resumes will be carefully reviewed independently by an experienced panel to identify applicants that possess the requisite training, education and experience as outlined by the City. An applicant summary will be developed with a narrative outlining each candidate's background and experience, including a list of candidates recommended for further consideration. The applicant summary can be used by the City to select those who proceed to the next step of the process, which is an assessment center.
6. At this stage, the City may opt to have an initial interview with selected candidates. This can be facilitated and completed by the City, or it can be facilitated by the OFCA with City staff. This interview can be used to initially screen selected candidates and determine which move forward to the assessment center.
7. The OFCA will custom design an assessment center for the Fire Chief position. This is the most detailed and comprehensive test of all testing methods. Moreover, OFCA's assessment services include the exercises that most national personnel groups and universities consider necessary for a valid experience. This testing process is used to evaluate in an objective manner if the candidate can demonstrate the necessary skills and abilities for the position, in actual job-related exercises. Upon completion of the assessment center testing, the OFCA provides a score, percentage, and profile of each candidate's performance in all of the evaluative areas detailing the candidate's strengths and weaknesses. This information can then be used to determine which candidates will advance to a finalist interview with the City.
8. The candidates selected will have a finalist interview with the City.
9. The City makes the selection and offer of employment to the new Fire Chief.

The OFCA will monitor the process from beginning to the final selection. *However, the City has the final decision on which candidates advance in each phase of the selection process.*

This provides an outline of the various options available in the executive search process. You can choose the options that you feel best fits your needs. I would be happy to further discuss and explain the advantages of each of the options and steps outlined. Thank you for allowing the OFCA to provide this summary.

Respectfully,

RS Crosley

Chief (Ret.) Stan Crosley, CFO, EFO, MIFireE
Consulting Division Manager
937-489-3256
scrosley@woh.rr.com

Previous Clients

Bloom Township (Fairfield County)

Fire Chief Selection

Ms. Anne-Darling Cyphert, Administrator to the Board

614-306-7552

City of Grandview Heights

Fire Chief Selection

Ms. Greta Kearns, Mayor

614-570-1837

Madison Township (Franklin County)

Fire Chief Selection

Ms. Susan Brobst, Administrator

614-836-5308

City of Seven Hills

Fire Chief Selection

Mr. Eric Zipay, Civil Service Commission Chair

216-346-0856

Brookfield Township (Trumbull County)

Fire Chief Selection

Mr. Dan Suttles, Trustee

330-770-7785

BST&G Fire District (Delaware County)

Fire Chief Selection

Mr. Dick Fisher, Board Chair

740-272-1941

City of Urbana

Fire Chief Selection

Mrs. Leila Anderson, Human Resource Manager

937-652-4313

Madeira-Indian Hill Joint Fire District (Hamilton County)

Fire Chief Selection

Mr. Robert Gehring, Esq., Board Chair

513-579-1500

LEGISLATIVE COVER MEMORANDUM

Agenda Item: **RESOLUTION 2021-10**
AMENDING RESOLUTION 2020-67 ESTABLISHING THE
ORGANIZATIONAL LISTINGS AND PAY RATES FOR CITY OF
FRANKLIN OFFICIALS AND EMPLOYEES FOR THE YEAR 2021

Date: February 1, 2021

Submitted By: Jonathan Westendorf, City Manager

Scope/Description: Resolution 2020-67 is being amended to set the rates of pay for all non-bargaining unit employees. Changes to the Franklin Law Enforcement Association, International Fire Fighters Association, Teamsters Unions for Service and Clerical and the City Manager are all set by contracts.

Exhibits: Amended Exhibit A – 2021 Payroll Rates

Budgetary Impact: Non-bargaining unit employee rates of pay are increased by 1.5%, and their health insurance premium is remaining at 15%.
Pool Employees were adjusted to maintain compliance with Ohio Minimum Wage and supervisory positions were increased in kind. There were no increases given to the following positions: Acting Clerk of Council, Secretary to City Manager, Seasonal Income Tax Clerk, Public Works Seasonal Labor, Reserve Police Officer (Step Added), Reserve Dispatcher, Municipal Court Deputy Clerk P/T, Planning Commission Secretary and Civil Service Secretary.

Recommendation: Approval

CITY OF FRANKLIN, OHIO
RESOLUTION 2021-10

**AMENDING RESOLUTION 202-67 ESTABLISHING THE ORGANIZATIONAL LISTINGS
AND PAY RATES FOR CITY OF FRANKLIN OFFICIALS AND EMPLOYEES FOR THE
YEAR 2021**

WHEREAS, Section 3.03 of the City of Franklin Charter grants this Council 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;

WHEREAS, Resolution 2020-67 established pay rates for City of Franklin Officials and Employees for the year 2021 and now needs amended to include non-bargaining unit employee rates of pay increase of 1.5%, and

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

Section 1. The compensation hereafter provided in Exhibit A shall apply to the listed positions for and during the year 2021.

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 6. The changes set forth in this Resolution shall become effective retroactive to the first pay period of 2021.

ADOPTED: February 1, 2021

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
Brent W. 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 2021-10 passed by that body on February 1, 2021.

Khristi Dunn, Clerk of Council

Resolution 2021-10

Exhibit A

	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9
Council									
Mayor	\$8,500								
Council Member	\$8,000								
Clerk of Council	\$55,825	\$57,500	\$59,231	\$61,014					
Acting Clerk	\$100 (per meeting)	No Increase							
Administration									
City Manager	\$115,000 (per employment contract)								
Admin. Asst. to City Manager	\$59,225	\$60,410	\$61,618	\$62,850	\$64,107	\$65,389	\$66,697	\$68,031	
Secretary to City Manager	\$37,196	\$37,940	\$38,699	\$39,473	\$40,262	\$41,067	\$41,889	\$42,727	No Increase
Secretary to City Manager, P/T	\$16.99	\$17.90	\$18.82	\$20.78	\$21.40				
Finance Department									
Finance Director	\$78,974	\$82,529	\$86,244	\$90,125	\$94,181	\$98,439			
Asst to Finance Director, P/T	\$16.26	\$17.12	\$18.00	\$18.54					
Finance Division									
Secretary to Finance Director	\$48,378	\$49,829	\$51,323	\$52,863	\$54,449	\$56,082	\$57,764	\$68,543	
Utility/Income Tax Clerk*		\$19.88	\$21.11	\$22.25					
Income Tax Division									
Income Tax Administrator	\$52,905	\$54,492	\$55,635	\$56,777	\$57,919	\$59,176	\$60,432	\$61,688	\$62,914
Income Tax Clerk* (per hour)		\$19.88	\$21.11	\$22.25					
Income Tax Clerk, part-time (per hr)	\$17.00	\$17.90	\$18.82	\$20.78					
Income Tax Clerk, seasonal (per hr)	\$16.26	\$16.75	\$17.25	\$17.77	No Increase				
Utility Billing Division									
Utility Billing Administrator	\$52,905	\$54,492	\$55,635	\$56,777	\$57,919	\$59,176	\$60,432	\$61,688	\$62,914
Utility Clerk* (per hour)		\$19.88	\$21.11	\$22.25					
Utility Clerk, part-time (per hour)	\$17.00	\$17.90	\$18.82	\$20.78					
Law Department									
Law Director		(per employment contract)							
Prosecutor, part-time	\$30,558	(per employment contract)							

Resolution 2021-10

Exhibit A

	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9
Public Works Department									
Public Works Director	\$86,577	\$89,175	\$91,850	\$94,606	\$97,444				
Secretary to PW Director	\$37,277	\$38,395	\$40,404	\$42,532	\$44,659				
City Engineer/Zoning Official	\$81,417	\$83,935	\$86,533	\$91,477	\$93,950				
Custodian* (per hour)		\$16.26	\$17.22	\$18.20					
Seasonal Labor (per hour)	\$11.51	\$12.08	\$12.73	\$13.40	No Increase				
Parks Division									
Parks Superintendent	(filled by Public Works Director)								
Lead Park Worker* (per hour)	\$23.25	\$24.71	\$25.92	\$27.15					
Park Worker* (per hour)	\$22.46	\$23.90	\$25.11	\$26.31					
Pool Manager		\$5,750	\$6,050	\$8,375					
	\$8.75	\$9.75 (for additional hours of work for swim lessons, pool parties, etc.)							
Assistant Pool Manager		\$4,350	\$4,825	\$6,350					
	\$8.75	\$9.75 (for additional hours of work for swim lessons, pool parties, etc.)							
Concession Manager (per hour)	\$8.25	\$9.80	\$10.00	\$10.25	\$10.50				
Head Lifeguard (per hour)	\$8.25	\$9.80	\$10.00	\$10.25	\$10.50				
Lifeguards (per hour)	\$7.25	\$8.80	\$7.50	\$9.00	\$7.75	\$9.25	\$8.00	\$9.50	
(hourly rate for pool parties)	\$8.00	\$9.00							
Pool Personnel (per hour)	\$7.25	\$8.80	\$9.00	\$9.25	\$9.50				
(hourly rate for opening/closing)	\$8.00	\$9.00							
Stormwater Division									
Stormwater Superintendent	(filled by Public Works Director)								
Utility Person I* (per hour)		\$23.55	\$25.01	\$26.31					
Utility Person II* (per hour)		\$26.58	\$27.29	\$27.79					
Utility Person III* (per hour)		\$27.92	\$28.68	\$29.21					
Street Division									
Street Superintendent		\$67,696	\$71,255	\$74,989					
Utility Person I* (per hour)		\$23.55	\$25.01	\$26.31					
Utility Person II* (per hour)		\$26.58	\$27.29	\$27.79					
Utility Person III* (per hour)		\$27.92	\$28.68	\$29.21					

Resolution 2021-10

Exhibit A

	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9
Public Works Department									
Water Division & Sewer Division									
Water & Sewer Superintendent		\$67,696	\$71,255	\$74,989					
Utility Person I* (per hour)		\$23.55	\$25.01	\$26.31					
Utility Person II* (per hour)		\$26.58	\$27.29	\$27.79					
Utility Person III* (per hour)		\$27.92	\$28.68	\$29.21					
Water Treatment Division									
Water Treatment Superintendent		\$67,696	\$71,255	\$74,989					
Safety Department									
Safety Director	(filled by City Manager)								
Building & Zoning Division									
City Engineer/Zoning Official	(see salary under Public Works)								
Fire & EMS Division									
Chief	\$90,875	\$93,601	\$95,785	\$97,881					
Division Secretary (per hour)	\$17.01	\$17.52	\$18.05	\$18.59	\$19.14	\$19.72	\$20.31	\$20.92	\$21.55
Captain* (per hour)	\$24.82	\$25.59	\$26.38	\$26.85					
Lieutenant* (per hour)	\$20.99	\$21.64	\$22.31	\$23.00	\$23.71	\$24.44			
Firefighter-Paramedic* (per hour)	\$18.45	\$18.73	\$19.01	\$19.29	\$19.58	\$19.88	\$20.17	\$20.48	
Firefighter-EMT* (per hour)	\$16.41	\$16.66	\$16.91	\$17.16	\$17.42	\$17.68	\$17.95	\$18.22	
Volunteers: (per hour)									
Firefighter	\$10.41	\$10.72	\$11.04	\$11.38	\$11.72	\$12.07	\$12.43	\$12.80	\$13.19
EMT	\$10.93	\$11.26	\$11.60	\$11.94	\$12.30	\$12.67	\$13.05	\$13.44	\$13.85
Paramedic	\$12.54	\$12.92	\$13.30	\$13.70	\$14.11	\$14.54	\$14.97	\$15.42	\$15.89
Firefighter/Paramedic	\$16.51	\$17.01	\$17.52	\$18.04	\$18.58	\$19.14	\$19.71	\$20.31	\$20.91
Firefighter/EMT	\$13.44	\$13.84	\$14.26	\$14.69	\$15.13	\$15.58	\$16.05	\$16.53	\$17.03
Second Lieutenant	(additional stipend per hour)			\$0.25	\$0.50	\$0.75	\$1.00	\$1.25	\$1.50
Fire Inspector (per hour)	\$13.84	\$14.26	\$14.68	\$15.12	\$15.58	\$16.04	\$16.53	\$17.02	\$17.53

Resolution 2021-10

Exhibit A

Step 1 Step 2 Step 3 Step 4 Step 5 Step 6 Step 7 Step 8 Step 9

Safety Department, cont.

Police Division

Chief		\$92,507	\$95,369	\$98,318	\$101,304		
Captain		\$87,047	\$88,825	\$90,637	\$92,488		
Lieutenant ^(d) (per hour) PROBATION		33.55					
Lieutenant ^(d) (per hour)		\$35.32	\$40.14				
Lieutenant* ^(e) (per hour)		37.25	\$38.33	\$40.14			
Sergeant* ^(d) (per hour) PROBATION		31.44					
Sergeant* ^(d) (per hour)		\$33.09	\$36.16				
Sergeant* ^(e) (per hour)		33.56	\$34.53	\$36.16			
Patrol Officer* ^(b) (per hour) PROBATION		\$22.70					
Patrol Officer* ^(b) (per hour)		\$24.06	\$25.50	\$26.98	\$28.38	\$32.58	
Patrol Officer* ^(c) (per hour) PROBATION		\$23.97					
Patrol Officer* ^(c) (per hour)		\$25.17	\$26.43	\$27.75	\$29.14	\$30.59	\$32.58
Dispatcher* ^(b) (per hour) PROBATION		\$20.96					
Dispatcher* ^(b) (per hour)		\$22.02	\$23.13	\$26.52			
Dispatcher* ^(c) (per hour) PROBATION		\$22.52					
Dispatcher* ^(c) (per hour)		\$23.42	\$24.36	\$25.33	26.52		
Reserve Officer (per hour)		\$12.85	\$13.23	13.63	No Increase, Step Added		
Reserve Dispatcher (per hour)		\$12.85	No Increase				

Municipal Court

Judge ^(a)	\$22,200							
Magistrate	\$88,863	\$91,529	\$94,275	\$97,103	\$100,016			
Chief Bailiff ^(a)				\$28,240				
Deputy Bailiff	\$2,718	\$2,858	\$3,011	\$3,323				
Security Officer (per hour)	\$19.39							
Clerk of Courts ^(a)	\$35,393	\$36,101	\$36,823	\$37,559	\$38,311	\$39,077	\$39,858	
Chief Deputy Clerk	\$50,469	\$51,478	\$52,200	\$53,558	\$54,629	\$55,719		
Deputy Clerk	\$39,242	\$41,312	\$43,491	\$46,667	\$48,067			
Deputy Clerk P/T (per hour)	\$15.00	No Increase						
Chief Probation Officer	\$58,991	\$60,171	\$61,374	\$62,601	\$63,853	\$65,130	\$66,433	
Probation Officer II	\$49,888	\$50,886	\$51,904	\$52,942	\$54,000	\$55,081	\$56,182	
Probation Officer I	\$43,008	\$43,869	\$44,746	\$45,642	\$46,553	\$47,484	\$48,435	

Boards & Commissions

Planning Comm. Secretary	\$75.00 (per meeting)	No Increase						
Civil Service Secretary	\$125.00 (per month; max. \$1500 per yr)	\$65.00 (per test, per 15 applicants)	\$5.00 (per addtl applicant)	No Increase				

All wages are shown as annual salaries, unless otherwise noted.

^(a) Figure represents 3/5ths of total comp.; remaining portion paid directly to employee by Warren County Auditor's Office, as required by the ORC.

^(b) Hired on or before January 1, 2018

*Indicates Union Position

^(c) Hired after January 1, 2018

^(d) Promoted on or before January 1, 2018

^(e) Promoted after January 1, 2018