



🏠 **Location:** 1 Benjamin Franklin Way
📅 **Date:** Monday, January 3, 2021
🕒 **Time:** 6:00 PM

CITY COUNCIL REGULAR MEETING AGENDA

Swearing In of Newly Elected Council Members (Judge Ruppert)

1. Call to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. RESOLUTION 2022-01 APPOINTING A MEMBER OF COUNCIL AS MAYOR FOR THE YEAR 2022
5. RESOLUTION 2022-02 APPOINTING A MEMBER OF COUNCIL AS VICE MAYOR FOR THE YEAR 2022
6. Approve the Clerk's Journal and Accept the Tapes as the Official Minutes of the December 6, 2021 Meeting.
7. Presentations.
 - a. Committee Reports
 - b. Swearing In of K-9 Fury (Judge Ruppert)
 - c. Police Awards (Chief Colon)
8. Reception of Visitors.
9. Public Hearing.
10. New Business.
 - A. RESOLUTION 2022-03 AUTHORIZING THE SALE OF SURPLUS CITY PROPERTY BY INTERNET AUCTION (Jonathan Westendorf)
 - B. RESOLUTION 2022-04 AUTHORIZING THE CITY MANAGER TO SUBMIT OF AN APPLICATION TO WARREN COUNTY FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR TWO 2022 ROADWAY IMPROVEMENT PROJECTS AND EXECUTE ANY NECESSARY DOCUMENTS (Barry Conway)
 - C. RESOLUTION 2022-05 AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION FOR THE 2021 ASSISTANCE TO FIREFIGHTERS GRANT (Chief Riddiough)

- A. **RESOLUTION 2022-06** AMENDING THE POSITION DESCRIPTION FOR INCOME TAX ADMINISTRATOR (Cindi Chibis)
 - a. Exhibit A: Amended Income Tax Administrator Position Description

- B. **RESOLUTION 2022-07** ADOPTING THE POSITION DESCRIPTION FOR COURT ADMINISTRATOR (Cindi Chibis)
 - a. Exhibit A: Court Administrator Position Description

- C. **RESOLUTION 2022-08** AMENDING RESOLUTION 2021-71 AND AUTHORIZING POSITION TITLES AND THE NUMBER OF POSITIONS FOR EACH TITLE FOR CITY OF FRANKLIN AND FRANKLIN MUNICIPAL COURT PERSONNEL FOR THE YEAR 2022 (Jonathan Westendorf)

- D. **RESOLUTION 2022-09** AMENDING RESOLUTION 2021-72 AND ESTABLISHING THE ORGANIZATIONAL LISTINGS AND PAY RATES FOR CITY OF FRANKLIN AND FRANKLIN MUNICIPAL COURT OFFICIALS AND EMPLOYEES FOR THE YEAR 2022 (Jonathan Westendorf)
 - a. Exhibit A: 2022 Payroll Rates

- E. **RESOLUTION 2022-10** AUTHORIZING THE CITY MANAGER TO EXECUTE INTERGOVERNMENTAL AGREEMENT 2022-01 WITH THE WARREN COUNTY TRANSPORTATION IMPROVEMENT DISTRICT TO FACILITATE THE WILLIAM GOOD BLVD EXTENSION/SCHOLL ROAD IMPROVEMENTS PROJECT (Barry Conway)
 - a. Exhibit A: Intergovernmental Agreement
 - b. Exhibit B: Estimate

- F. **RESOLUTION 2022-11** AUTHORIZING THE CITY MANAGER TO EXECUTE FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT 2020-03 WITH THE CITY OF SPRINGBORO, OHIO AND THE WARREN COUNTY TRANSPORTATION IMPROVEMENT DISTRICT TO FACILITATE THE I-75 AND SR 73 INTERCHANGE PROJECT WAR SR 73 3.66 (PID 113717) (Barry Conway)
 - a. Exhibit A: First Amendment to Intergovernmental Agreement 2020-03

11. Introduction of New Legislation.

- A. **ORDINANCE 2022-01** AMENDING CHAPTER 1105, ADMINISTRATION, CHAPTER 1107 DISTRICTS AND LAND USE STANDARDS, CHAPTER 1113 USE REQUIREMENTS AND STANDARDS

AND CHAPTER 1115 PROCESS AND PROCEDURES OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE (Barry Conway)

- a. Exhibit A: Chapter 1105.06, Planning Commission
- b. Exhibit B: Chapter 1105.07, Appeals Board
- c. Exhibit C: Chapter 1107.02, Residential Districts
- d. Exhibit D: Chapter 1107.07, Parks And Recreation District
- e. Exhibit E: Chapter 1113.01, Conditional Uses.
- f. Exhibit F: Chapter 1115.08, Site Plans
- g. Exhibit G: Chapter 1115.09, Approvals By The Planning Commission
- h. Exhibit H: Chapter 1115.10, Approvals By The Appeals Board

B. **ORDINANCE 2022-02** APPROVING THE MAJOR SUBDIVISION FINAL RECORD PLAN FOR THE DOMINO'S FRANKLIN SUBDIVISION LOCATED AT 675 E. SECOND STREET (Barry Conway)

- a. Exhibit A: Copy of Final Record Plan

C. **ORDINANCE 2022-03** INITIATING CERTAIN AMENDMENTS TO SECTIONS 3.03, 3.07, 3.10, 4.03, 4.11, 5.05, 8.06, 10.02, 11.06, 11.09 AND 11.10 OF THE CITY OF FRANKLIN, OHIO CHARTER AND DIRECTING THE CLERK OF COUNCIL TO CERTIFY THE SAME TO THE WARREN COUNTY BOARD OF ELECTIONS FOR PLACEMENT OF THE QUESTION OF THE CHARTER AMENDMENTS UPON THE MAY 3, 2022 PRIMARY ELECTION BALLOT TO BE SUBMITTED TO THE CITY'S ELECTORS FOR FINAL REVIEW AND APPROVAL (Law Director)

- a. Exhibit A: Proposed Charter Amendments

12. City Manager's Report.

13. Council Comments.

14. Adjournment.

CITY OF FRANKLIN, OHIO
RESOLUTION 2022-01

APPOINTING A MEMBER OF COUNCIL AS MAYOR FOR THE YEAR 2022

WHEREAS, Section 3.03(k) of the City of Franklin Charter requires Council, at its first meeting annually, to select from its membership one member to serve as Chairperson; and

WHEREAS, Section 3.03(k) of the City of Franklin Charter authorizes Council to designate the title of Chairperson as Mayor; and

WHEREAS, Section 10(c) of the Rules of Council requires any candidate for Mayor be declared elected upon a majority vote of the Council; 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. Council member _____ is hereby appointed as Mayor of the Franklin City Council for the year 2022.

Section 2. The above-named Council member's term as Mayor shall run until his or her successor is appointed.

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: January 3, 2022

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
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 2022-01 passed by that body on January 3, 2021.

Khristi Dunn, Clerk of Council

CITY OF FRANKLIN, OHIO
RESOLUTION 2022-02

APPOINTING A MEMBER OF COUNCIL AS VICE MAYOR FOR THE YEAR 2022

WHEREAS, Section 3.03(k) of the City of Franklin Charter requires Council, at its first meeting annually, to select from its membership one member to serve as Vice Chairperson; and

WHEREAS, Section 3.03(k) of the City of Franklin Charter authorizes Council to designate the title of Vice Chairperson as Vice Mayor; and

WHEREAS, Section 10(c) of the Rules of Council requires any candidate for Vice Mayor be declared elected upon a majority vote of the Council; 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. Council member _____ is hereby appointed as Vice Mayor of the Franklin City Council for the year 2022.

Section 2. The above named Council member's term as Vice Mayor shall run until his or her successor is appointed.

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: January 3, 2022

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
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 2022-02 passed by that body on January 3, 2022

Khristi Dunn, Clerk of Council



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

CITY COUNCIL CLERK'S JOURNAL

CITY COUNCIL

Brent Centers, Mayor
Todd Hall, Vice Mayor
Michael Aldridge
Denny Centers
Debbie Fouts
Paul Ruppert
Matt Wilcher

CITY STAFF

Jonathan Westendorf, City Manager
Karisa Steed, Assistant to the City Manager
Ben Yoder, Law Director
Cindy Ryan, Finance Director
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, December 6, 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, December 6, 2021 to order at 6:02 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

Chief Colon, Mr. Conway, Ms. Dunn, Chief Riddiough, Ms. Ryan, Ms. Steed, Mr. Westendorf, Mr. Yoder, five guests and one member of the press 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 November 15, 2021 Meeting.** The Mayor asked if there were any amendments to the Clerk's Journal. Hearing none, he called for a motion. Mr. Aldridge made the motion to approve the Clerk's Journal and accept the tapes as the Official Minutes of the November 15, 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. **Committee Reports**

Mr. Aldridge gave an update from the November 17, 2021, Economic Development & Planning Committee meeting. The Committee discussed uses for the City-owned land located on Deardoff at Arlington. A developer has shown interest in the land. This parcel was previously put out to bid for an age-restricted housing development. Staff was unable to find the RFP from 2016/2017. Another possible use of the land would be a new Recreation Center. There are continued issues with the current pool. Eventually the repair costs will be greater than constructing a new pool. After discussion, the committee would like staff to assemble a new RFP for residential housing at this location, as time allows. As this land is only 6 acres, age-restricted housing seems to be the best fit for the land. McBride Dale Clarion will help with the RFP.

The Downtown Improvement plan workload will shift to McBride Dale Clarion from CT Consultants. McBride has been tasked with providing a deliverable product that will be presented at the Council Retreat in February.

Once the green house on 4th street is demolished, staff would like to explore installing a food truck pad. This encourage people to come downtown to eat while revitalization plans unfold.

B. **A Look Forward at Upcoming Infrastructure Project Timeline**

Mr. Westendorf gave an update on the upcoming infrastructure projects. The timeline is attached. Mr. Westendorf asked for support in moving up the project on Main Street to replace the waterline and reline the sewer. If approved, engineering would begin December 2021. ARPA funds would cover the cost of this project. Completing this project now will work well with the Downtown Development plan. The current waterline is 80 years old. Council was in favor of moving forward with the project.

6. **Reception of Visitors.** The Mayor opened and closed the Reception of Visitors at 6:25 PM as none asked to be heard.

7. **Public Hearing**

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"**

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. These changes have been approved by various Council committees. These changes are needed due to the pre-sale and rental inspection program and will help ensure an inspection will take place prior to change of occupancy.

The Mayor opened and closed the Public Hearing at 6:28 PM as none asked to be heard.

He then opened the floor for Council deliberation. Mayor Centers asked if these changes would be a strain on the utility billing department. Ms. Ryan replied that the changes would be worked out. Mr. D. Centers asked about the deposit being charged. Mr. Westendorf said the deposit is not changing, the only substantial change is that is the account would have to be placed in the renter’s name after passage.

The Mayor asked if there were any additional questions or comments. Hearing none, he called for a motion. Vice Mayor Hall made the motion to adopt **ORDINANCE 2021-28** as submitted; seconded by Mr. Ruppert. The vote:

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

Motion passed.

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

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. As a result of meetings with developers and reviewing plans for the new schools, staff suggests these changes to accommodate growth and development.

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.

The Mayor opened and closed the Public Hearing at 6:34 PM as none asked to be heard.

He opened the floor for Council deliberation. Mr. Ruppert reported that these changes were discussed in detail during the Planning Commission meeting.

The Mayor asked if there were any additional questions or comments. Hearing none, he called for a motion. Mr. Wilcher made the motion to adopt **ORDINANCE 2021-29** as submitted; seconded by Mr. Aldridge. The vote:

MR. MATT WILCHER	yes
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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.

C. ORDINANCE 2021-30 AMENDING ORDINANCE 2021-26 TO PROVIDE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF FRANKLIN, OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2021, AND DECLARING AN EMERGENCY

This ordinance will adjust appropriations to the following funds:

- **General Fund**
 - o Decrease of \$20,000 to Income Tax-Personal Services and increase of \$20,000 to Income Tax-Other to account for the larger than expected refund requests.
- **FEMA Fund**
 - o Increase of \$1,500 to Other for SAFER grant reimbursements to be transferred back to the Fire/EMS Fund.
- **ODOT Fund**
 - o Increase of \$1,054,350 to Other for ODOT projects to post on-behalf payments to city finance records.
 - Need to post:
 - \$504,697 Downtown Signal 1
 - \$229,166 Downtown Signal 2
 - \$83,058 S Dixie Resurfacing
 - \$784,398 Great Miami GAP
 - Less 547,000 already appropriated.
- **Water Replacement Fund**
 - o Decrease of \$700,000 to Other for projects that did not materialize during the year.

The Mayor opened and closed the Public Hearing at 6:36 PM as none asked to be heard. He then opened the floor for Council deliberation.

The Mayor asked if there were any additional questions or comments. Hearing none, he called for a motion. Vice Mayor Hall made the motion to adopt **ORDINANCE 2021-30** as submitted; seconded by Mr. Aldridge. The vote:

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

Motion passed.

D. ORDINANCE 2021-31 PROVIDING TEMPORARY APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF FRANKLIN, OHIO, THROUGH MARCH 31, 2022, AND DECLARING AN EMERGENCY

This Ordinance will provide temporary appropriations for the year ending December 31, 2022. This Ordinance appropriates funds for the first three months of the 2022 fiscal year. It is a temporary budget, and we will present the final budget to City Council before March 31, 2022.

This budget uses the projected revenues from the Tax Budget as passed by City Council in Resolution 2021-45 on June 21, 2021. Most expenditures mirror the 2021 permanent budget. Salary increases were included in this temporary budget. Once the City's five-year plan and final numbers are finalized, line items will need to be modified for the permanent budget in March.

The Mayor opened and closed the Public Hearing at 6:38 PM as none asked to be heard. He then opened the floor for Council deliberation. He asked if this was approved by the Finance Committee. Mr. D. Centers said it was discussed briefly and is a start for the following year as there is still much to be determined. The current year has ended better than anticipated and he is very happy with that result. The Mayor asked if there were any additional questions or comments. Hearing none, he called for a motion. Mr. Ruppert made the motion to adopt **ORDINANCE 2021-31** as submitted; seconded by Mr. Aldridge. The vote:

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

Motion passed.

8. New Business.

A. Liquor Permit Applications (Chief Colon)

- a. **Speedway, 200 S. Main Street**
- b. **Speedway, 1295 E. Second Street**
- c. **Daleys Irish Pub, 544 S. Main Street & Patio**

Chief Colon reported that no issues were found when researching these locations and applications. There were also no concerns from Mr. Westendorf.

The Mayor asked if there were any additional questions or comments. Hearing none, he called for a motion. Mr. D. Centers made the motion to NOT request hearings for the named liquor permit applications; seconded by Mrs. Fouts. The vote:

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

Motion passed.

B. RESOLUTION 2021-71 AUTHORIZING POSITION TITLES AND THE NUMBER OF POSITIONS FOR EACH TITLE FOR CITY OF FRANKLIN PERSONNEL FOR THE YEAR 2022

Changes for 2022 include:

- Deleting Secretary to Finance Director after Amy Miller's retirement as it was replaced with Finance Clerks and HR Specialist.
- Adding an additional part-time Secretary to Fire & EMS as Lt. Williams hours have decreased to one day per week.
- Removing the part-time Fire Inspector position.
- Police Lieutenants reduced to 2 after retirement and other staffing changes have been implemented.

Mr. D. Centers wanted to ensure that the additional Fire & EMS secretary would not increase the cost to the Division. Mr. Westendorf confirmed that the number of hours would not change. Mayor Centers wanted to ensure that a Fire/Zoning Inspector was still on staff. Mr. Westendorf confirmed that full time position would remain.

They Mayor asked if there were any additional questions or comments. Hearing none, he called for a motion. Mr. Ruppert made the motion to adopt **RESOLUTION 2021-71** as submitted; seconded by Mr. Wilcher. The vote:

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

Motion passed.

C. RESOLUTION 2021-72 ESTABLISHING THE ORGANIZATIONAL LISTINGS AND PAY RATES FOR CITY OF FRANKLIN OFFICIALS AND EMPLOYEES FOR THE YEAR 2022.

This annual resolution authorizes the hourly or salary pay rates for all city staff for 2022. Collective bargaining and non-union staff have received a 2.5% increase. Currently, there have been no changes to contract employee rates nor any rates associated with the pool and concession rates within the Parks Division. City staff will be examining potential changes early in 2022 for this department. Therefore, future changes to this section will be forthcoming following those discussions with council's committee early in the year.

The addition of our Human Resources Specialist brings forward new opportunities, especially considering the wealth of expertise of Ms. Chibis, which was not anticipated when the position was originally contemplated. Therefore, the pay range for that position has been expanded. One of many upcoming tasks for the HR position will include a comprehensive evaluation of this pay scale during 2022. Future changes are expected to account for future needs and alignment were found to be necessary. Any and all changes will be discussed with the appropriate committees of council next year. The Fire & EMS Chief has been given a car allowance until his response vehicle is ordered and delivered. Mayor Centers asked about the Police Chief's vehicle. Chief Colon is driving a 2014 marked Dodge Charger.

They Mayor asked if there were any additional questions or comments. Hearing none, he called for a motion. Vice Mayor Hall made the motion to adopt **RESOLUTION 2021-72** as submitted; seconded by Mr. Aldridge. 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.

D. RESOLUTION 2021-73 DECLARING CITY MANAGER, THE CITY'S CONTRACTING OFFICER, TO BE EMPOWERED TO ACQUIRE TITLE TO OR INTERESTS IN REAL PROPERTY SITUATED WITHIN THE CITY OF FRANKLIN WITHIN THE SPENDING LIMIT AS ESTABLISHED IN CHARTER SECTION 5.05 EFFECTIVE FISCAL YEAR 2022

This Resolution is a renewal of Resolution 2021-38, passed on May 3, 2021 to empower the City Manager to purchase properties within the City of Franklin, such as foreclosure properties, in amounts allowed under the City Manager's contracting authority as Contracting Official for the City, to carry out the City's objectives.

This Resolution will be effective immediately upon passage until December 31, 2022. This Resolution, absent other direction from Council, will be updated and placed on the agenda for action in December 2022 for fiscal year 2023.

Mr. D. Centers asked at what amount the spending limit is set. Mayor Centers responded it is set at \$50,000. Mr. D. Centers would like property purchases to be brought to Council. The Mayor reported that there are instances when it is not possible to bring a property purchase to Council, especially during

an auction. Mr. D. Centers acknowledged and just asked that if time allows, he would like property purchases brought to Council. The Mayor agreed.

They Mayor asked if there were any additional questions or comments. Hearing none, he called for a motion. Mr. Ruppert made the motion to adopt **RESOLUTION 2021-73** as submitted; seconded by Mrs. Fouts. The vote:

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

Motion passed.

E. RESOLUTION 2021-74 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

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. Chiefs Colon and Riddiough are being added as authorized appointees, in addition to Mr. Conway and Ms. Steed.

They Mayor asked if there were any additional questions or comments. Hearing none, he called for a motion. Mr. Wilcher made the motion to adopt **RESOLUTION 2021-74** as submitted; seconded by Mr. Ruppert. The vote:

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

Motion passed.

F. RESOLUTION 2021-75 ACCEPTING THE MATERIAL TERMS OF THE ONE OHIO POLITICAL SUBDIVISION SETTLEMENT ON BEHALF OF THE CITY OF FRANKLIN AND IN ACCORDANCE WITH THE ONE OHIO MEMORANDUM OF UNDERSTANDING AND THE TERMS OF THE JULY 21, 2021 NATIONAL OPIOID SETTLEMENT AGREEMENT

Corporations involved in the marketing, manufacturing, and distribution of various medications containing opioids (in various forms) have faced a variety of lawsuits across the country. The State of

Ohio proposed an equitable manner in which these claims can be settled on behalf of Ohio's\ political subdivisions, commonly known as the "One Ohio" settlement.

City Council previously passed Resolution 2021-58, authorizing the City Manager to execute documents joining the City of Franklin as part of the One Ohio settlement class and accepting the proposed settlement at the time with three opioid manufacturers – AmerisourceBergen, Cardinal Health and McKesson. Another settlement has since been received from opioid manufacturer Janssen/Johnson & Johnson. The City's potential share of funds from the latest proposed settlement are estimated to be between \$17,414.45 and \$24,877.78, depending on the number of political subdivisions that opt into the settlement.

They Mayor asked if there were any additional questions or comments. Hearing none, he called for a motion. Mr. D. Centers made the motion to adopt **RESOLUTION 2021-75** as submitted; seconded by Mr. Aldridge. The vote:

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

Motion passed.

9. Law Director Report.

A. Charter Review (Carly Sherman)

Ms. Sherman presented 11 proposed Charter amendments. The proposed changes are:

1. Non-substantive, typographical changes (consistently of terms)
2. Elimination of restrictions/requirements Council's powers related to real estate (competitive bidding & publication)
3. Elimination of newspaper publication requirements (allow notice on website)
4. Section 3.02 – Council compensation changes (apply only to future members, not mid-term members)
5. Section 3.06 – Add deadline to appoint Council members if membership ever drops below 4 members
6. Sections 3.07 & 3.08 – Eliminate criminal penalties for failure to obey Council order in quasi-judicial hearing
7. Section 7.01 – Eliminate Planning Commission duties that should be left to City staff
8. Section 8.08 – Allow classified service employee promotional exams to be open to laterals at department head's discretion
9. Section 11.09 – 90-day election ballot submission deadline (rather than 75 day)

10. Section 11.10 – Eliminate Council recall provision

11. Section 3.10 – Remove requirement for biannual audit and refer to ORC to ensure compliance.

Council would like to take items 2, 3, 8, 9 and 11 to the voters in the May election. The remainder will be placed on the November ballot. There will be legislation introduced in January for these changes.

10. City Manager’s Report. Mr. Westendorf thanked Council and staff for everything related to Franklin In Lights. He was very pleased with the event.

The first citizen advisory committee met the previous Tuesday for the Comprehensive plan. He was very pleased with the turnout. The Community seemed excited about the direction the City is taking.

11. Council Comments.

Mr. Wilcher apologized for missing the tree lighting. The tree looks great, and he’s gotten great feedback from the event.

He and Mr. Ruppert attended the Mooses and Mistletoe Chamber event. It was exciting to hear the buzz about what staff is doing and where the City is going. The cookies were also great and were provided by a Farmer’s Market vendor.

He complimented Chief Colon. It is exciting to see the officers engaged and energized. He has had citizens asked if more officers have been added to staff.

He is excited to work with everyone for four more years.

Mrs. Fouts said the tree lighting was beyond great. The horse drawn carriage ride was very nice. She heard Mr. Westendorf ask vendors how to make the event better in the following years and he thanked staff numerous times. She received lots of great feedback and is looking forward to next year.

She is renewed moving forward and is excited for what is to come. She appreciates staff bringing that energy to Council and to the City.

Mr. Aldridge attended the tree lighting and enjoyed the festivities.

He thanked staff for all their efforts during the pandemic and change of leadership staff. He can see growth over the past year. He is thankful to be re-elected and to be able to serve for another four years.

Mr. D. Centers is excited about the staff that has been hired. He believes there have been more changes for the better in the past year than he has seen in his 20 years on Council. A prominent citizen passed along his compliments on Mr. Westendorf’s efforts.

The Tree Lighting was beautiful and will be a nice annual event.

He wishes everyone a Merry Christmas

Mr. Ruppert complimented the tree lighting event and was impressed with the turnout.

He likes the idea of a food truck pad going in and thinks it will supplement special events downtown.

He attended the citizen advisory committee and said Mr. Westendorf’s presentation left people in awe.

It was very informative and received lots of positive feedback.

The Harding Museum looked great during the Chamber event and he also enjoyed the cookies. He appreciates staff keeping Council informed and all the work that has been done this year.

Vice Mayor Hall wished Mr. Westendorf a “Happy Almost First Year” on the job. He said the year started with major deficiencies due to retirements and is reassured that the City is fully staffed. He understands it was difficult operating without these key roles. He is very happy with the current staff. He has been on Council for 20 years and is excited about the level of progress that is being made. He thanked staff for their efforts. He hopes everyone has a restful holiday and is prepared for the great things coming in 2022.

Mr. Aldridge added that he and Mr. Wilcher were in the Peace Office Dependent Fund Board meeting prior to Council and that the officers were thrilled with the Flock system. He asked Chief Colon to share some stats. Chief said they have received 16-17 stolen vehicle hits since the cameras were installed. The system is proactive, and they can now work with Springboro and Miami Township to leverage the technology in investigations. Mr. D. Centers asked what other surrounding communities have the Flock system. In addition to Springboro and Miami Township, Butler Township and Montgomery County also have it. He is seeing more communities add it. The Mayor said that in Warren County, Mason and Hamilton Township just approved the Flock system and Franklin was the model system. Council was very pleased to hear this.

Mayor Centers attended the Chamber Christmas luncheon along with staff and enjoyed the event. Council had many executive sessions throughout the year regarding personnel. These were diligent discussions in regard to key leadership positions. The goal was to be fully staffed by years end and he is glad that goal was met. He is confident in the staff that is on board. Expenditures were also up this year to get things where they need to be. As updates to policies and procedures are made this is to be expected and will level off once the work is completed over the next few years. He is proud of the work that has been done by the leadership team. He wishes everyone Happy Holidays.

Mr. Ruppert added that he met a developer in Cincinnati that works with large businesses. The developer was not aware that Mr. Ruppert was from Franklin and when he told him the developer’s response was “That is one hopping area”. He was happy to report the positive buzz about the City.

12. Executive Session. To consider the employment and compensation of a public employee pursuant to ORC 121.22 (G)(1).

Vice Mayor Hall made the motion to exit into executive session, seconded by Mr. D. Centers. 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	no
MAYOR BRENT CENTERS	yes

Motion passed.

Council entered into executive session at approximately 7:35 PM with planned action to follow.
Mr. D. Centers made the motion to exit out of 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 exited executive at approximately 8:21 PM.

13. New Business.

A. RESOLUTION 2021-76 APPROVING CHRISTMAS BONUSES FOR CITY EMPLOYEES FOR THE YEAR 2021.

City Council wishes to thank City staff for the extraordinary efforts associated with the global pandemic and throughout a tumultuous season of transition and growth. This exceptional season deserves specific recognition to all staff members. It is fitting to recognize the dedication demonstrated by our staff in the deliverance of service to the members of our community due to the unique point in history we find ourselves in. Therefore, Council would like to announce a Holiday bonus to staff as a token of appreciation.

They Mayor called for a motion. Vice Mayor Hall made the motion to adopt **RESOLUTION 2021-76** with the amount of \$200.00 for both full-time and part-time staff; seconded by Mr. Rupert. The vote:

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

Motion passed.



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

14. Adjournment. The Mayor called for a motion to adjourn the meeting. Mr. Wilcher made the motion; seconded by Mrs. Fouts. The Mayor called for a voice vote and voice vote the motion passed 7-0.

The Mayor adjourned the meeting at 8:24 PM.

Mayor

Khristi Dunn, Clerk of Council

Legislative Cover Memo

Meeting Date: January 3, 2022

Agenda Item: **Resolution 2022-03**
AUTHORIZING THE SALE OF SURPLUS CITY PROPERTY BY
INTERNET AUCTION

Submitted by: Jonathan Westendorf, City Manager

Scope/Description: The Ohio Revised Code requires a general notice to the public regarding how the City will dispose of its surplus property should it elect to use on-line auctioning services, such as GovDeals. This resolution is being passes to place the public on notice of the general terms and conditions the City will follow in selling surplus property via on-line auctions.

Exhibits: None.

Recommendation: Staff Recommends Approval

CITY OF FRANKLIN, OHIO
RESOLUTION 2022-03

AUTHORIZING THE SALE OF SURPLUS CITY PROPERTY BY INTERNET AUCTION

WHEREAS, Each year City Department and Division Heads are directed to determine whether personal property owned by the City is unneeded, obsolete, or unfit for municipal purposes and where such surplus property is identified take necessary steps to dispose of such property; and

WHEREAS, Ohio Revised Code Section 721.15 authorizes a City to dispose of such property through the use of an internet auction; and

WHEREAS, the City will benefit from receiving income into the City derived from the sale of surplus property; and

WHEREAS, Where staff determines internet auction is the most cost effective and efficient means of disposing of said property, the public is hereby given notice that the general terms and conditions established below will be utilized when conducting the internet auction process on GovDeals or any similar on-line auction service.

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: This Council hereby expresses its intent to dispose of personal property during this fiscal year owned by the City that is unneeded, obsolete, or unfit for municipal purposes.

Section 2: The City of Franklin wishes to contract with GovDeals, Inc. to conduct auctions on behalf of the City. GovDeals, Inc. is a Delaware corporation having its principal place of business at 5913 Carmichael Place, Montgomery, Alabama 26117 (1-800-613-0156).

Section 3: The City will conduct internet auctions pursuant to Revised Code 721.15(D). The surplus property may be viewed on GovDeals.com or in person at the City Offices at 1 Benjamin Franklin Way, Franklin, Ohio 45005 during times outlined in the "Online Sales Terms and Conditions" to be set for each item to be sold throughout this fiscal year.

Section 4: Items to be auctioned shall be inventoried, listed by department, given an appropriate identification number, and contain pertinent information (e.g. year, make, model, mileage or use). Each Department and Division Head shall determine said property to not be needed for public use, obsolete or unfit for the use for which it was acquired and shall submit that property with a suggested minimum price to be sold via internet auction to the City Manager and Assistant to the City Manager.

Section 5: The City Council hereby designates the Assistant to the City Manager as its representative and shall be the official point of contact for all internet auctions. This person, with approval of the City Manager, shall be responsible for the following:

- A. Establish a minimum price for each item of City property to be auctioned;
- B. Establish, with approval of the Law Director, "terms and conditions" for online sales in accordance with this Resolution which shall be available for review at the City Municipal Building;
- C. Ensure that the property is sold by internet auction in accordance with this Resolution and the "terms and conditions" for online sales;

- D. Ensure that the City receives all monies due and owing to the City as a result of the sale of said property; and
- E. Complete training provided by GovDeals Client Services Department regarding Financial Settlement Services.

Section 6: The internet auction will be conducted in the following manner under the following general terms and conditions:

- A. All property will be offered for sale subject to the “City of Franklin’s Online Sales Terms and Conditions;”
- B. All property is offered for sale “AS IS, WHERE IS, AND WITHOUT WARRANTY.” The City of Franklin, Ohio makes no warranty, guaranty or representations of any kind, either express or implied, as to the merchantability or fitness for any purpose of the property offered for sale. The “buyer” of any City property is not entitled to any payment for loss of profit or any other money damages – special, direct, indirect or consequential – against the City that in any way relates to the purchase and/or use of the property;
- C. All property will be available to the public on the GovDeals.com website for a minimum of ten days, including Saturdays, Sundays and legal holidays as required in Section 721.15(D) of the Ohio Revised Code;
- D. If any City property offered for sale by internet auction is not sold within ten days after being posted on the GovDeals.com website, the City may withdraw said property from the internet auction at any time;
- E. City property shall not be transferred to a successful bidder until such time as guaranteed payment has been received in full;
- F. The City Council of the City of Franklin, Ohio reserves the right to reject any bids and to withdraw from sale any items listed on GovDeals.com.

Section 7: GovDeals, Inc. shall collect all auction proceeds by means of PayPal, credit card, wire transfer or other similar means. GovDeals, Inc. will charge each buyer a “Buyer’s Premium” of an established percent, which will be retained by GovDeals, Inc. The City shall pay zero percent fees of the GovDeals fee and the winning bidder shall pay all of the “Buyers Premium” to account for the GovDeals fee. In addition, GovDeals, Inc. shall be entitled to a fee per each item sold.

Section 8: GovDeals, Inc. will remit the auction proceeds, minus its fees and the “Buyer’s Premium,” to the City on an agreed upon basis.

Section 9: The City’s Clerk of Council is hereby directed to publish notice of Council’s intent to sell surplus property in a newspaper of general circulation in the municipal corporation or as provided in section 7.16 of the Revised Code, notice of its intent to sell unneeded, obsolete, or unfit municipal personal property by internet auction. Said notice shall include a summary of the information provided in this resolution and shall be published twice. The second notice shall be published not less than ten nor more than twenty days after the previous notice. A similar notice also shall be posted continually throughout the calendar year in a conspicuous place in the offices of the City Clerk of Council, Finance Director, and entrance of the City’s Municipal Building. A notice setting forth this Resolution shall also be conspicuously posted and

maintained on the City's web site and shall remain posted continually throughout the calendar year on that web site.

Section 8. This Resolution shall become effective immediately upon its passage.

ADOPTED: January 3, 2022

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
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 January 3, 2022.

Khristi Dunn, Clerk of Council

Legislative Cover Memo

Effective Date: January 3, 2022

Agenda Item: **Resolution 2022-04**
AUTHORIZING THE CITY MANAGER TO SUBMIT OF AN APPLICATION TO WARREN COUNTY FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR TWO 2022 ROADWAY IMPROVEMENT PROJECTS AND EXECUTE ANY NECESSARY DOCUMENTS

Submitted by: Barry Conway, City Engineer

Scope/Description: This Resolution authorizes the City Manager to apply for CDBG funds for fiscal year 2022 to Warren County and execute any necessary documents with the County Commissioners. The two proposed projects will involve improvements to Vernon Street and Patricia Street. Projects will include new curb and gutter, storm sewers, water main and pavement.

Per the 2010 Census, these areas of the City of Franklin are classified as Low-to-Moderate Income and meet the LMI qualification in areas where CDBG work is to be performed.

Further, because Warren County has been classified as an urban county, the County Office of Grants Administration will administer the entire project, including bidding for the project.

Budgetary Impact:	Vernon St.	Patricia St.
Estimated Total Project cost:	\$125,000	\$250,000
Estimated CDBG Funds:	\$93,750	\$187,500
Estimated City's portion:	\$31,250	\$62,500

Recommendation: Staff recommends approval of this Resolution.

CITY OF FRANKLIN, OHIO
RESOLUTION 2022-04

AUTHORIZING THE CITY MANAGER TO SUBMIT OF AN APPLICATION TO WARREN COUNTY FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR TWO 2022 ROADWAY IMPROVEMENT PROJECTS AND EXECUTE ANY NECESSARY DOCUMENTS

WHEREAS, the Ohio Department of Development, through its Office of Housing and Community Partnerships (OHCP) has awarded FY2022 Community Development Block Grant (CDBG) Funds to Warren County, as an urban county;

WHEREAS, the CDBG Program provides that the City shall have its grant funds awarded and administered by Warren County;

WHEREAS, the City received notice from the Warren County Board of Commissioners requesting submittals for funding and project proposals; and

WHEREAS, the City has identified infrastructure needs which are eligible under the FY2022 Warren County CDBG Program,

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

Section 1. The City Manager is hereby authorized to apply for two 2022 Roadway Improvement Projects to the Warren County Board of Commissioners for FY 2022 CDBG funding, and to execute all necessary documents related to said request and program activities.

Section 2. The City hereby commits to fund any 2022 Roadway Improvement Project costs that exceed the estimated CDBG allocated amount of:

Vernon St.: Ninety-Three Thousand Seven Hundred and Fifty Dollars (\$125,000 estimated total cost)

Patricia St.: One Hundred Eighty-Seven Thousand Five Hundred Dollars (\$250,000 estimated total cost).

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: January 3, 2022

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
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 January 3, 2022.

Khristi Dunn, Clerk of Council

Legislative Cover Memo

Effective Date: January 3, 2022

Agenda Item: **Resolution 2022-05**
AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION FOR THE 2021 ASSISTANCE TO FIREFIGHTERS GRANT

Submitted by: Andy Riddiough, Chief of Fire & EMS

Scope/Description: We are requesting authorization to submit a 2021 Assistance to Firefighters Grant application. This year's project will focus on replacing expiring, or out of date firefighter personal protective equipment (helmet, protective hood(s), turnout coat, turnout pants, gloves and boots) and updating and replacing firefighting hoses (1 3/4" handline, 2 1/2" supply & handline and 5" supply).



Budgetary Impact: No budgetary impact currently. 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 \$ 186,994.00.

Federal Share	95%	\$ 177,644.30
Local Share	5%	\$ 9,349.70

Recommendation: Staff recommends approval of this Resolution.

CITY OF FRANKLIN, OHIO
RESOLUTION 2022-05

**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 firefighter personal protective equipment; and

WHEREAS, the City of Franklin Division of Fire is in need of replacing and updating our existing handlines and supply hose; 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:	\$ 186,994.00
Grant Funding (95%)	\$ 177,644.30
Local Share (5%)	\$ 9,349.70

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: January 3, 2022

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
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 January 3, 2022.

Khristi Dunn, Clerk of Council

Legislative Cover Memo

Meeting Date: January 3, 2022

Agenda Item: **Resolution 2022-06**
AMENDING THE POSITION DESCRIPTION FOR INCOME TAX
ADMINISTRATOR

Submitted by: Cindi Chibis, Human Resource Specialist

Scope/Description: With the upcoming retirement of Cheryl Hedric, staff reviewed the Income Tax Administrator Job Description to ensure it accurately represents the requirements and duties of the position.

Budget Impact: None.

Exhibits: Exhibit A – Amended Income Tax Administrator Position

Recommendation: Approval.

CITY OF FRANKLIN, OHIO
RESOLUTION 2022-06

AMENDING THE POSITION DESCRIPTION FOR INCOME TAX ADMINISTRATOR

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

WHEREAS, this Council adopted a Position Classification Plan and a position descriptions on August 18, 2003; and

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

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

Section 1. The position description for Income Tax Administrator is hereby amended as shown in the attached Exhibit A.

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

ADOPTED: January 3, 2022

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
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 January 3, 2021.

Khristi Dunn, Clerk of Council

CITY OF FRANKLIN
An Equal Opportunity Employer
POSITION DESCRIPTION

Page 1 of 4

Employee Name:		Department:	Finance
Civil Service Status:	Unclassified	Position Title:	Income Tax Administrator
Employment:	Full-time	Reports To:	Finance Director
FLSA Status:	Exempt	Supervises:	Income Tax Clerk, Seasonal Tax Clerk Deputy Income Tax Administrator

GENERAL DESCRIPTION:

Supervises the planning, organizing, and application of the provisions of the income tax ordinances. Responsible for the collection of municipal income tax and general supervision of the department employees.

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

- ~~(1) Supervises the planning, organizing, and application of the provisions of the income tax ordinances; supervises and directs a system of income tax controls and a system for investigations and audits; supervises the training of accounting, auditing, and clerical personnel; studies and prepares reports on problems in income tax collection and related issues; interviews taxpayers regarding tax issues; resolves problems and interprets policy; disseminates provisions of the income tax ordinance for public information purposes; maintains records of tax receipts and refunds; collects money and posts daily receipts, processes accounts and grants extensions; audits accounts.~~
 - ~~(2) Meets all job safety requirements and all applicable OSHA safety standards that pertain to essential functions.~~
 - ~~(3) Demonstrates regular and predictable attendance.~~
 - 1. Administers City-wide collection of municipal income tax for individual and business taxpayers in accordance with the City income tax ordinance (e.g., posts returns, collects tax receipts, reports all money received, processes accounts, grants extensions etc.)
 - 2. Responds to inquiries and advises taxpayers/tax preparers regarding income tax issues. Assists citizens with tax preparation as requested. Disseminates provisions of the income tax ordinance for public information purposes. Resolves problems and interprets policy.
 - 3. Supervises and directs a system of income tax controls and investigations. Reviews city income tax returns of individuals and businesses subject to the City income tax ordinance to verify the accuracy of tax due.
 - 4. Enforces payment of all taxes owed. Conducts research and prepares reports on delinquent tax accounts. Determines the amount of tax, interest, and penalties due. Initiates action to compel production of evidence necessary to determine taxes.
 - 5. Prepares affidavit for delinquent taxpayers to process criminal charges with Franklin Municipal Court.
-

CITY OF FRANKLIN
An Equal Opportunity Employer
POSITION DESCRIPTION

Page 2 of 4

6. Supervises Tax Department staff; provides general direction for daily department activities.
7. Reviews year-end reconciliations according to applicable laws and established procedures.
8. Processes all refunds.
9. Reconciles and processes collections including ACH collections as well as collections from the Ohio Department of Taxation and the Ohio Attorney General.
10. Prepares and completes deposits.
11. Maintains and protects accurate records of highly confidential information related to City tax filers.
12. Helps foster positive community relations by providing excellent customer service.
13. Represents City in tax collection related professional organizations. Proactively stays abreast of relevant changes in tax laws, technology, and processes and implements best practices.

OTHER DUTIES AND RESPONSIBILITIES:

1. Performs other duties as required.

QUALIFICATIONS: (* indicates developed after employment)

~~Bachelor's degree in accounting or business administration; six (6) years or equivalent experience in administration of income tax or comparable tax program.~~

Ability to: Deal with many variables and determine specific action; define problems, collect data, establish facts, and draw valid conclusions; understand, interpret, and apply income tax laws, rules, or regulations to specific situations; exercise independent judgment and discretion; prepare accurate documentation; maintain records according to established procedures; complete routine forms; compile and prepare reports.

Communication Skills: Ability to understand a variety of written and/or verbal communications, policy and procedure manuals, and income tax regulations; effectively present information and respond to sensitive inquiries from the public and/or officials; apply active listening skills, maintain effective working relationships, resolve problems, and instruct others. Ability to deal effectively with confrontational individuals and/or challenging situations.

Education and Experience: ~~Bachelor's degree in Accounting or Business Administration; six (6) years or equivalent experience in administration or income tax or comparable tax program.~~ **Associates Degree with coursework in business or general finance, or minimum of three (3) years' experience in tax payments or collections or any equivalent combination of education, experience, and training which provides the required knowledge, skills, and abilities. Knowledge of basic accounting; income tax code as it relates to City, State and Federal tax returns;**

CITY OF FRANKLIN
An Equal Opportunity Employer
POSITION DESCRIPTION

Page 3 of 4

*department goals and objectives; *department policies and procedures; Ohio Revised Code as it pertains to income tax; supervisory principles and practices; business administration; and City ordinances required.

Equipment, Tools and Materials: Equipment Operated Skill in: Use of calculator, computer, copier, scanner, folder inserter machine, telephone, postage machine, and other standard modern business office equipment.

Licensure or Certification Requirements: ~~None~~ Must be bondable.

Math skills: Ability to add, subtract, multiply, and divide whole numbers, and to calculate fractions, decimals, and percentages.

Physical Requirements: (with or without accommodation): Ability to occasionally lift, reach, stoop, and turn. Ability to frequently grasp, carry, hold, stand, walk, and use keyboard. Specific vision abilities required by this job include close vision and distance vision. Ability to speak English and hear required.

Technical Skills: Ability to use e-mail, word processing spreadsheets and associated formulas, and video conferencing software. Ability to learn automated system functions used in carrying out job duties. Ability to operate in a network environment. General knowledge of PC equipment modern office practices and procedures and computer related software required.

INHERENTLY HAZARDOUS OR PHYSICALLY DEMANDING WORKING CONDITIONS: (For purposes of O.R.C. 4167)

- ~~1. Emergency plans and fire plans.~~
 - ~~2. Compressed gases.~~
 - ~~3. Portable fire extinguishers.~~
 - ~~4. Handling of material and supplies. (Includes mechanical handling equipment, the manner in which things are stored, and housekeeping.)~~
 - ~~5. Hazardous chemicals.~~
 - ~~6. The employee: Works in or around crowds.~~
-

Employee has exposure to chemical compounds found in an office environment (e.g., toner, correction fluid, etc.). In accordance with the U.S. Department of Labor physical demands strength ratings, this is considered light work. The constant stress and strain of maintaining a production rate pace, can be and is physically demanding of a worker even though the amount of force exerted is negligible. In cases of emergency.

Employee has exposure to chemical compounds found in an office environment (e.g., toner, correction fluid, etc.). In accordance with the U.S. Department of Labor physical demands strength ratings, this is considered light work. The constant stress and strain of maintaining a production rate pace, can be and is physically demanding of a worker even though the amount of force exerted is negligible. In cases of emergency, unpredictable situations, and/or department needs, may be required to lift, push, pull, and/or carry objects heavier than D.O.L. strength ratings recommend.



CITY OF FRANKLIN
An Equal Opportunity Employer
POSITION DESCRIPTION

*To perform this job successfully, an individual must be able to perform each essential duty satisfactorily, and must demonstrate the necessary skills, knowledge, and abilities required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The above reflects general information considered necessary to describe the essential functions of the job and shall not be construed as an exhaustive statement of duties, responsibilities or requirements that may be inherent in the job. It is not intended to limit the right of any supervisor to assign, direct, or control the work of employees under his/her supervision. The use of a particular expression to describe duties shall not be held to exclude other duties not mentioned that are of similar kind or level of difficulty.

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

(Signature of Appointing Authority/Designee)

(Date)

(Signature of Employee)

(Date)

Legislative Cover

Meeting Date:	January 3, 2022
Agenda Item:	Resolution 2022-07 ADOPTING THE POSITION DESCRIPTION FOR COURT ADMINISTRATOR
Submitted by:	Cindi Chibis, Human Resource Specialist
Scope/Description:	This Resolution adopts a new position description for the Court Administrator. The description was provided by Judge Ruppert and reviewed by Human Resources.
Budget Impact:	Court Administrator has a range of \$3.00 - \$5.00 per hour in addition to Deputy Clerk Duties
Exhibits:	Exhibit A: Court Administrator Position Description
Recommendation:	Approval.

CITY OF FRANKLIN, OHIO
RESOLUTION 2022-07

ADOPTING THE POSITION DESCRIPTION FOR COURT ADMINISTRATOR

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

WHEREAS, Section 1901.33 of the Ohio Revised code provides that the judge of a municipal court may appoint one or more mental health professionals, one or more probation officers, an assignment commissioner, deputy assignment commissioners, and other court aides on a full-time, part-time, hourly, or other basis and one or more typists, stenographers, statistical clerks, and official court reporters; and

WHEREAS, upon the recommendations of the City Manager, this Council now finds it desirable to adopt a position description for the position of Court Administrator to adequately reflect the duties and responsibilities of this position,

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

Section 1. The position description for Court Administrator is attached hereto as Exhibit A, is hereby adopted and approved, and shall be included in the City of Franklin Position Classification Plan, effective January 3, 2022.

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: January 3, 2022

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
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 January 3, 2021

Khristi Dunn, Clerk of Council



FRANKLIN MUNICIPAL COURT

POSITION DESCRIPTION

Employee Name:		Department:	Municipal Court
Civil Service Status:	Unclassified	Position Title:	Court Administrator
Employment:	Full-time	Reports To:	Municipal Court Judge
FLSA Status:	Non-Exempt	Supervises:	N/A

GENERAL DESCRIPTION: Under the direction of the Municipal Court Judge, directs, manages, supervises and coordinates the Court's operations, programs, activities and coordinates assigned activities with City, County and State agencies. Performs duties along with the Deputy Court Clerks when court is in session including, but not limited to, preparing entries, processing warrants, license suspensions and forfeitures.

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

1. Directs and manages the day-to-day operations associated with the Franklin Municipal Court. Collaborates with the Judge in the development of Court procedures and related guidelines for effective operation of the Court.
2. Evaluates court operations and procedures and provides direction in establishing and maintaining written procedural and operational standards, employee manuals along with emergency preparedness, court security, and work with department heads to coordinate staff development and training programs.
3. Coordinates with various Court departments including Probation, Bailiffs and Clerk's office to ensure that the Court and the public's needs are met, and that State, County and Court legal processes, policies and procedures are followed.
4. Works with the Judge in preparing the court budget; administers the budget to include monitoring expenditures to ensure compliance with budget allocations. Coordinates with the funding authority and Clerk's office concerning budget matters and/or joint projects
5. In consultation with the Judge, evaluates immediate and long- range staffing needs, projects and operations; participates in staff meetings in order to resolve problems and establishes uniform procedures within the court.
6. Responds to questions and concerns from the public and/or staff with the ability to resolved difficult and sensitive inquiries and complaints.
7. Ensures confidentiality is maintained and applied to all court documents, procedure and staff related issues.
8. Responds to inquiries from the public and the media.

OTHER DUTIES AND RESPONSIBILITIES

1. Performs other duties as required.

QUALIFICATIONS:

Communication Skills: Ability to communicate effectively in verbally and in writing. Ability to carry out instructions and effectively deal with problems involving several variables within familiar context; exercise independent judgment and discretion; complete routine forms; prepare routine correspondence; prepare accurate documentation; compile and prepare reports; respond to routine inquiries from public and/or officials; maintain records according to established procedures. Ability to supervise the work of others; apply general management principles to specific organizational and operations problems. Ability to establish and maintain effective working relationships with the Judge, City of Franklin,



FRANKLIN MUNICIPAL COURT POSITION DESCRIPTION

Clerk of Courts, Probation, Bailiff staff, law enforcement, Warren County, City of Carlisle as well as employees and representatives of other agencies and members of the public and media. Ability to deal effectively with confrontational individuals and/or challenging situations.

Education and Experience: Bachelor's Degree in Public Administration, Criminal Justice, or related field is preferred and a minimum of three (3) years' experience with court operations including, but not limited to, civil and criminal dockets, operation of clerk of courts or any equivalent combination of education and experience and training which provides the required knowledge, skills, and abilities. Knowledge of public relations, courtroom procedures, civil procedure, criminal procedure, legal terminology, court filing procedures, Ohio Revised Code as it pertains to courts, office practices and procedures, records management, and supervisory principles and practices required.

Equipment, Tools and Materials: Ability to frequently use computer, copier, equipment and standard office equipment.

Physical Requirements: (with or without accommodation): Ability to occasionally lift, reach, stoop, and turn. Ability to frequently grasp, carry, hold, stand, walk, and use keyboard. Specific vision abilities required by this job include close vision and distance vision. Ability to speak English and hear required.

Technical Skills: Ability to use e-mail and word processing. Ability to learn automated system functions used in carrying out job duties. Ability to operate in a network environment. General knowledge of PC equipment modern office practices and procedures and computer related software required.

INHERENTLY HAZARDOUS OR PHYSICALLY DEMANDING WORKING CONDITIONS: (For purposes of O.R.C. 4167)

Employee has exposure to chemical compounds found in an office environment (e.g., toner, correction fluid, etc.). The employee works in proximity to firearms, occasionally works in crowds, and has contact with potentially violent or emotionally distraught persons or life-threatening situations.

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily, and must demonstrate the necessary skills, knowledge, and abilities required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The above reflects general information considered necessary to describe the essential functions of the job and shall not be construed as an exhaustive statement of duties, responsibilities or requirements that may be inherent in the job. It is not intended to limit the right of any supervisor to assign, direct, or control the work of employees under his/her supervision. The use of a particular expression to describe duties shall not be held to exclude other duties not mentioned that are of similar kind or level of difficulty.

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

(Signature of Appointing Authority/Designee)

(Date)

(Signature of Employee)

(Date)

Legislative Cover Memo

Meeting Date: January 3, 2022

Agenda Item: **Resolution 2022-08**
AMENDING RESOLUTION 2021-71 AND AUTHORIZING
POSITION TITLES AND THE NUMBER OF POSITIONS FOR
EACH TITLE FOR CITY OF FRANKLIN AND FRANKLIN
MUNICIPAL COURT PERSONNEL FOR THE YEAR 2022

Submitted by: Jonathan Westendorf, City Manager

Scope/Description: This Resolution provides for the re-organization of titles and/or
positions and/or creation of new positions.

To more accurately describe the nature of a position, a Seasonal
category has been added.

Court Administrator has been added as a position. This position will
be filled by a Deputy Clerk.

Budget Impact: Court Administrator has a range of \$3.00 - \$5.00 per hour in
addition to Deputy Clerk Duties

Exhibits: None.

Recommendation: Approval.

CITY OF FRANKLIN, OHIO
RESOLUTION 2022-08

AMENDING RESOLUTION 2021-71 AND AUTHORIZING POSITION TITLES AND THE NUMBER OF POSITIONS FOR EACH TITLE FOR CITY OF FRANKLIN AND FRANKLIN MUNICIPAL COURT PERSONNEL FOR THE YEAR 2022

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, by ordinance or resolution; and

WHEREAS, Section 1901.33 of the Ohio Revised code provides that the judge of a municipal court may appoint one or more mental health professionals, one or more probation officers, an assignment commissioner, deputy assignment commissioners, and other court aides on a full-time, part-time, hourly, or other basis and one or more typists, stenographers, statistical clerks, and official court reporters; and

WHEREAS, Section 171.04 of the Codified Ordinances of the City of Franklin requires this Council, by ordinance or resolution, to establish a yearly list of position titles and the number of positions that may be filled under each title for each department of the City government; and

WHEREAS, on December 6, 2021 this Council passed Resolution 2021-71 Authorizing position titles for each title for City of Franklin personnel for the Year 2022;

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

Section 1. The following list of position titles and the number of positions to be filled under each title for the year 2022 is hereby authorized and approved, subject to the availability of funds authorized in the Annual Appropriations Ordinance:

	<u>Full -Time</u>	<u>Part-Time</u>	<u><i>Seasonal</i></u>	<u>Volunteer</u>
A. Council:				
Clerk of Council	1	0		
B. Administration:				
City Manager	1	0		
Admin. Assistant to City Manager	1	0		
Secretary to City Manager	0	1		
Human Resources Specialist	1	0		
Seasonal Intern	0	4 0	4	
C. Finance Department:				
Finance Director	1	0		
Finance Clerk	0	1		
Payroll Clerk	1	0		
Accounts Payable Clerk	1	0		
<u>Income Tax Division:</u>				
Income Tax Administrator	1	0		
Income Tax Clerk	2	0		
Seasonal Income Tax Clerk	0	1 0	1	

	<u>Full -Time</u>	<u>Part-Time</u>	<u>Seasonal</u>	<u>Volunteer</u>
<u>Utility Billing Division:</u>				
Utility Billing Administrator	1	0		
Utility Clerk	1	1		
D. Law Department:				
Law Director	0	1 (contractual)		
Prosecutor	0	1		
E. Public Works Department:				
Public Works Director	1	0		
Secretary to Director	1	0		
Custodian	1	0		
Seasonal Labor	0	10 0	10	
<u>Parks Division:</u>				
Park Worker/Lead	1	0		
Park Worker	1	0		
Pool Manager	0	1 0	1	
Asst. Pool Manager	0	1 0	1	
Pool Personnel (including Lifeguards)	0	40 0	40	
<u>Stormwater Division:</u>				
Utility Person – Stormwater	2	0		
<u>Streets Division:</u>				
Street Superintendent	1	0		
Utility Person – Street	4	0		
<u>Water Division & Sewer Division:</u>				
Water & Sewer Superintendent	1	0		
Utility Person	7	0		
<u>Water Treatment Division:</u>				
Water Treatment Superintendent	1	0		
F. Safety Department:				
Safety Director	0	0		
Assistant to the Safety Director	0	0		
<u>Fire & EMS Division:</u>				
Chief	1	0		
Secretary to Fire & EMS Division	0	2		
Captain	1	0		
Lieutenant	3	0		
Firefighter	12	0		
Second Lieutenant	0	0		9
Volunteer Firefighter	0	0		65

	<u>Full -Time</u>	<u>Part-Time</u>	<u><i>Seasonal</i></u>	<u>Volunteer</u>
<u>Police Division:</u>				
Chief	1	0		
Captain	0	0		
Lieutenant	2	0		
Sergeant	3	0		
Patrol Officer	20	0		
Dispatcher	7	0		
Property Room & Evidence Manager	0	1		
<u>Police Division</u>				
Reserve Officer	0	0		12
Reserve Dispatcher	0	0		5
<u>Building & Zoning Division:</u>				
City Engineer	1	0		
Zoning Official	0	0		
Code Official	1	0		
G. Boards & Commissions:				
Planning Comm. Secretary	0	1		
Civil Service Comm. Secretary	0	1		
H. Municipal Court:				
Judge	0	1		
Magistrate	1	0		
Chief Bailiff	1	0		
Deputy Bailiff	0	2		
Security Officer	0	1		
Clerk of Courts	1	0		
<i>Court Administrator</i>	<i>1</i>	<i>0</i>		
Chief Deputy Clerk	1	0		
Deputy Clerk	6 5	1		
Chief Probation Officer	1	0		
Probation Officer II	1	0		
Probation Officer I	1	0		

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. The changes set forth in this Resolution will be effective immediately.

ADOPTED: January 3, 2022

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
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 January 3, 2022. _____, Khristi Dunn, Clerk of Council

Legislative Cover Memo

Meeting Date:	January 3, 2022
Agenda Item:	Resolution 2022-09 AMENDING RESOLUTION 2021-72 AND ESTABLISHING THE ORGANIZATIONAL LISTINGS AND PAY RATES FOR CITY OF FRANKLIN AND FRANKLIN MUNICIPAL COURT OFFICIALS AND EMPLOYEES FOR THE YEAR 2022
Submitted by:	Jonathan Westendorf, City Manager
Scope/Description:	Resolution 2021-72 is being amended to set the rates of pay for 2022. The Seasonal Intern rates are being corrected. Zoning Official is being moved back to the Building & Zoning Division. Property Maintenance is being added to the Building & Zoning Division. Police Captain is being eliminated Court Administrator is being added.
Budget Impact:	Seasonal Interns: Educational Credit Only - \$15.00/hour Court Administrator \$3.00-\$5.00 / hour
Exhibits:	Exhibit A: 2022 Payroll Rates
Recommendation:	Approval.

CITY OF FRANKLIN, OHIO
RESOLUTION 2022-09

AMENDING RESOLUTION 2021-72 AND ESTABLISHING THE ORGANIZATIONAL LISTINGS AND PAY RATES FOR CITY OF FRANKLIN AND FRANKLIN MUNICIPAL COURT OFFICIALS AND EMPLOYEES FOR THE YEAR 2022

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; and

WHEREAS, Section 1901.33 of the Ohio Revised code provides that the judge of a municipal court may appoint one or more interpreters, one or more mental health professionals, one or more probation officers, an assignment commissioner, deputy assignment commissioners, and other court aides on a full-time, part-time, hourly, or other basis. Each appointee shall receive the compensation out of the city treasury that the legislative authority prescribes in either biweekly installments or semimonthly installments, as determined by the payroll administrator and the judge may appoint one or more typists, stenographers, statistical clerks, and official court reporters, each of whom shall be paid the compensation out of the city treasury that the legislative authority prescribes; and

WHEREAS, Resolution 2021-72 established pay rates for City of Franklin Officials and Employees for the year 2022 and now needs amended to include the Court Administrator position and correct errors in the Seasonal Intern pay scale;

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 2022.

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. The changes set forth in this Resolution shall become effective on January 1, 2022.

ADOPTED: January 3, 2022.

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
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 January 3, 2022.

Khristi Dunn, Clerk of Council

Resolution 2022-09

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	\$57,784	\$59,518	\$61,310	\$63,155					
Acting Clerk	\$100 (per meeting)								
Administration									
City Manager	\$115,000 (per employment contract)								
Admin. Asst. to City Manager	\$61,304	\$62,530	\$63,781	\$65,057	\$66,358	\$67,685	\$69,039	\$70,420	
Secretary to City Manager	\$37,196	\$37,940	\$38,699	\$39,473	\$40,262	\$41,067	\$41,889	\$42,727	
Secretary to City Manager, P/T	\$17.59	\$18.53	\$19.48	\$21.51	\$22.16				
Human Resources Specialist	\$51,168	\$52,703	\$54,284	\$55,913	\$57,590	\$59,318	\$61,097	\$62,930	
Seasonal Intern (per hour)	\$12.00 Educational Credit Only	\$12.36 12.00	\$12.73 13.00	\$13.11 \$14.00	\$13.51 \$15.00				
Finance Department									
Finance Director	\$81,746	\$85,425	\$89,270	\$93,287	\$97,485	\$101,872			
Finance Clerk P/T	\$16.26	\$17.12	\$18.00	\$18.54					
Finance Division									
Payroll Clerk		\$20.89	\$22.18	\$23.38					
Accounts Payable Clerk		\$20.89	\$22.18	\$23.38					
Income Tax Division									
Income Tax Administrator	\$54,762	\$56,404	\$57,587	\$58,769	\$59,951	\$61,252	\$62,552	\$63,852	\$65,121
Income Tax Clerk* (per hour)		\$20.89	\$22.18	\$23.38					
Income Tax Clerk, part-time (per hr)	\$17.60	\$18.53	\$19.48	\$21.51					
Income Tax Clerk, seasonal (per hr)	\$16.26	\$16.75	\$17.25	\$17.77					
Utility Billing Division									
Utility Billing Administrator	\$54,762	\$56,404	\$57,587	\$58,769	\$59,951	\$61,252	\$62,552	\$63,852	\$65,121
Utility Clerk* (per hour)		\$20.89	\$22.18	\$23.38					
Utility Clerk, part-time (per hour)	\$17.60	\$18.53	\$19.48	\$21.51					
Law Department									
Law Director		(per employment contract)							
Prosecutor, part-time	\$31,630	(per employment contract)							

Resolution 2022-09

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	\$89,616	\$92,304	\$95,073	\$97,925	\$100,863				
Secretary to PW Director	\$38,585	\$39,743	\$41,822	\$44,024	\$46,225				
Custodian* (per hour)		\$17.08	\$18.09	\$19.12					
Seasonal Labor (per hour)	\$11.51	\$12.08	\$12.73	\$13.40					
Parks Division									
Parks Superintendent	(filled by Public Works Director)								
Lead Park Worker* (per hour)	\$24.43	\$25.96	\$27.23	\$28.52					
Park Worker* (per hour)	\$23.60	\$25.11	\$26.38	\$27.64					
Pool Manager		\$5,750	\$6,050	\$8,375					
		\$9.75 (for additional hours of work for swim lessons, pool parties, etc.)							
Assistant Pool Manager		\$4,350	\$4,825	\$6,350					
		\$9.75 (for additional hours of work for swim lessons, pool parties, etc.)							
Concession Manager (per hour)	\$9.80	\$10.00	\$10.25	\$10.50					
Head Lifeguard (per hour)	\$9.80	\$10.00	\$10.25	\$10.50					
Lifeguards (per hour)	\$8.80	\$9.00	\$9.25	\$9.50					
(hourly rate for pool parties)	\$9.00								
Pool Personnel (per hour)	\$8.80	\$9.00	\$9.25	\$9.50					
(hourly rate for opening/closing)	\$9.00								
Stormwater Division									
Stormwater Superintendent	(filled by Public Works Director)								
Utility Person I* (per hour)		\$24.74	\$26.28	\$27.64					
Utility Person II* (per hour)		\$27.93	\$28.67	\$29.20					
Utility Person III* (per hour)		\$29.33	\$30.13	\$30.69					
Street Division									
Street Superintendent		\$70,072	\$73,756	\$77,622					
Utility Person I* (per hour)		\$24.74	\$26.28	\$27.64					
Utility Person II* (per hour)		\$27.93	\$28.67	\$29.20					
Utility Person III* (per hour)		\$29.33	\$30.13	\$30.69					

Resolution 2022-09

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		\$70,072	\$73,756	\$77,622					
Utility Person I* (per hour)		\$24.74	\$26.28	\$27.64					
Utility Person II* (per hour)		\$27.93	\$28.67	\$29.20					
Utility Person III* (per hour)		\$29.33	\$30.13	\$30.69					
Water Treatment Division									
Water Treatment Superintendent		\$70,072	\$73,756	\$77,622					
Safety Department									
Safety Director	(filled by City Manager)								
Building & Zoning Division									
City Engineer	\$84,274	\$86,881	\$89,570	\$94,687	\$97,246				
Zoning Official* (per hour)	<i>(filled by City Engineer & Fire Lieutenant)</i>								
Code Official* (per hour)	\$29.71	31.56	33.06						
Property Maintenance	<i>(per employment contract)</i>								
Fire & EMS Division									
Chief	\$94,064	\$96,886	\$99,146	\$101,315	\$104,315	\$107,315	\$110,315		
Division Secretary (per hour)	\$17.61	\$18.14	\$18.69	\$19.25	\$19.82	\$20.42	\$21.03	\$21.66	\$22.31
Captain* (per hour)	\$25.44	\$26.23	\$27.04	\$27.52					
Lieutenant* (per hour)	\$21.51	\$22.18	\$22.87	\$23.58	\$24.30	\$25.05			
Zoning Official* (per hour)	\$21.51	\$22.18	\$22.87	\$23.58	\$24.30	\$25.05			
Firefighter-Paramedic* (per hour)	\$18.91	\$19.20	\$19.49	\$19.77	\$20.07	\$20.38	\$20.67	\$20.99	
Firefighter-EMT* (per hour)	\$16.82	\$17.08	\$17.33	\$17.59	\$17.86	\$18.12	\$18.40	\$18.68	
Volunteers: (per hour)									
Firefighter	\$10.78	\$11.10	\$11.43	\$11.78	\$12.13	\$12.49	\$12.86	\$13.25	\$13.66
EMT	\$11.32	\$11.66	\$12.01	\$12.36	\$12.73	\$13.11	\$13.50	\$13.91	\$14.34
Paramedic	\$12.98	\$13.38	\$13.77	\$14.18	\$14.61	\$15.05	\$15.49	\$15.95	\$16.44
Firefighter/Paramedic	\$17.10	\$17.61	\$18.14	\$18.68	\$19.24	\$19.82	\$20.41	\$21.03	\$21.65
Firefighter/EMT	\$13.91	\$14.33	\$14.77	\$15.21	\$15.67	\$16.13	\$16.62	\$17.12	\$17.64
Second Lieutenant	(additional stipend per hour)			\$0.25	\$0.50	\$0.75	\$1.00	\$1.25	\$1.50
Fire Inspector (per hour)	\$14.33	\$14.76	\$15.19	\$15.65	\$16.13	\$16.60	\$17.11	\$17.61	\$18.14

Resolution 2022-09

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	\$95,754	\$98,717	\$101,769	\$104,860	\$107,860	\$110,860	\$113,860		
Captain	\$90,103	\$91,943	\$93,819	\$95,735					
Lieutenant ^(d) (per hour) PROBATION	\$35.90								
Lieutenant ^(d) (per hour)	\$37.78	\$42.94							
Lieutenant* ^(e) (per hour)	\$39.49	\$40.64	\$42.94						
Sergeant* ^(d) (per hour) PROBATION	\$33.32								
Sergeant* ^(d) (per hour)	\$35.08	\$38.34							
Sergeant* ^(e) (per hour)	\$35.26	\$36.28	\$38.34						
Patrol Officer* ^(b) (per hour) PROBATION	\$23.85								
Patrol Officer* ^(b) (per hour)	\$25.28	\$26.79	\$28.35	\$29.82	\$34.23				
Patrol Officer* ^(c) (per hour) PROBATION	\$25.18								
Patrol Officer* ^(c) (per hour)	\$26.44	\$27.77	\$29.15	\$30.62	\$32.14	\$34.23			
Dispatcher* ^(b) (per hour) PROBATION	\$22.02								
Dispatcher* ^(b) (per hour)	\$23.13	\$24.30	\$27.86						
Dispatcher* ^(c) (per hour) PROBATION	\$23.66								
Dispatcher* ^(c) (per hour)	\$24.61	\$25.59	\$26.61	\$27.86					
Reserve Officer (per hour)	\$12.85	\$13.23	13.63						
Reserve Dispatcher (per hour)	\$12.85								
Property Room & Evidence Manager (per hour)	\$20.00	\$20.50							
Municipal Court									
Judge ^(a)	\$22,200								
Magistrate	\$91,982	\$94,742	\$97,584	\$100,512	\$103,527				
Chief Bailiff ^(a)				\$29,232					
Deputy Bailiff	\$2,814	\$2,959	\$3,118	\$3,441					
Security Officer (per hour)	\$20.07								
Clerk of Courts ^(a)	\$36,636	\$37,368	\$38,115	\$38,877	\$39,655	\$40,448	\$41,257		
Court Administrator (additional stipend per hour)	\$3.00	\$3.50	\$4.00	\$4.50	\$5.00				
Chief Deputy Clerk	\$52,240	\$53,284	\$54,031	\$55,436	\$56,545	\$57,674			
Deputy Clerk	\$40,620	\$42,762	\$45,018	\$48,305	\$49,754				
Deputy Clerk P/T (per hour)	\$15.00								
Chief Probation Officer	\$61,061	\$62,283	\$63,529	\$64,800	\$66,096	\$67,418	\$68,766		
Probation Officer II	\$51,640	\$52,672	\$53,726	\$54,801	\$55,896	\$57,015	\$58,155		
Probation Officer I	\$44,517	\$45,408	\$46,316	\$47,244	\$48,187	\$49,150	\$50,134		

Boards & Commissions

Planning Comm. Secretary	\$75.00 (per meeting)
Civil Service Secretary	\$125.00 (per month; max. \$1500 per yr) \$65.00 (per test, per 15 applicants) \$5.00 (per addtl applicant)

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

Legislative Cover Memo



Meeting Date: January 3, 2022

Agenda Item: **Resolution 2022-10**
AUTHORIZING THE CITY MANAGER TO EXECUTE INTERGOVERNMENTAL AGREEMENT 2022-01 WITH THE WARREN COUNTY TRANSPORTATION IMPROVEMENT DISTRICT TO FACILITATE THE WILLIAM GOOD BLVD EXTENSION/SCHOLL ROAD IMPROVEMENTS PROJECT

Submitted by: Barry Conway, City Engineer

Scope/Description: The City of Franklin cooperates with the Warren County Transportation Improvement District (WCTID) to jointly undertake various public improvement projects from time to time. Intergovernmental Agreement 2022-01 (the "IGA") outlines the agreement of the City and WCTID to complete the William Good Blvd. Extension/Scholl Road Improvements Project. The parties will share in the cost of the Project, and the City will manage construction work in coordination with the WCTID. Pursuant to the IGA, the City would contribute towards the Project funds in the total amount of \$596,549.25.

Budget Impact: The City share of the project will come from County Vehicle Tax deposited with the County.

Exhibits: Exhibit A: Intergovernmental Agreement 2022-01
Exhibit B: Estimate

Recommendation: Approval.

CITY OF FRANKLIN, OHIO
RESOLUTION 2022-10

**AUTHORIZING THE CITY MANAGER TO EXECUTE INTERGOVERNMENTAL AGREEMENT 2022-01
WITH THE WARREN COUNTY TRANSPORTATION IMPROVEMENT DISTRICT TO FACILITATE
THE WILLIAM GOOD BLVD EXTENSION/SCHOLL ROAD IMPROVEMENTS PROJECT**

WHEREAS, Ohio Revised Code Chapter 5540 empowers the Warren County Transportation Improvement District (the "WCTID") to finance, construct, maintain, improve and repair highways, roads, and other infrastructure and transportation projects;

WHEREAS, the City of Franklin desires to cooperate with the WCTID to jointly undertake certain transportation improvements, commonly known as the William Good Blvd. Extension/Scholl Road Improvements Project (the "Project");

WHEREAS, the terms and conditions of the parties' agreement to undertake the Project are set forth in Intergovernmental Agreement 2022-01, attached as "Exhibit A" to this Resolution (the "IGA");

WHEREAS, pursuant to the IGA, the City would contribute towards the Project funds in the total amount of \$596,549.25; and

WHEREAS, City Council desires to cooperate with the WCTID to undertake and fund the Project pursuant to the terms and conditions set forth in the IGA.

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

Section 1. City Council hereby approves the City's expenditure, and deposit with the WCTID, of public funds in furtherance of the Project in the total amount of \$596,549.25.

Section 2. The City Manager is hereby authorized to execute the IGA, in substantially the same form as the attached "Exhibit A", on the City's behalf.

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 occurred in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

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

ADOPTED: January 3, 2022

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
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 January 3, 2022.

Khristi Dunn, Clerk of Council

**INTERGOVERNMENTAL
AGREEMENT 2022-01**

By and Between

CITY OF FRANKLIN

And

THE WARREN COUNTY TRANSPORTATION
IMPROVEMENT DISTRICT

[William Good Blvd Extension/Scholl Road Improvements Project]

Dated as of February 3, 2022

INTERGOVERNMENTAL AGREEMENT 2022-01

This Intergovernmental Agreement 2022-01 (this “Agreement”) is made and entered into as of February 3, 2022 (the “Effective Date”), by and between CITY OF FRANKLIN (the “CITY”), a municipal corporation and political subdivision located in Warren County, Ohio, and pursuant to Ohio Revised Code (“ORC”) Chapter 715 and its Charter, and THE WARREN COUNTY TRANSPORTATION IMPROVEMENT DISTRICT, a transportation improvement district and a body both corporate and politic created pursuant to ORC Chapter 5540 (the “TID”).

Recitals:

A. The Board of County Commissioners of Warren County, Ohio (the “County”) created the TID, which is authorized by ORC Chapter 5540 (1) to finance, construct, maintain, repair, and operate street, highway, and other transportation projects (including, but not limited to, air and rail projects) and (2) to construct, reconstruct, improve, alter, and repair roads, highways, public places, buildings, and other infrastructure.

B. These projects, as contemplated by ORC Chapter 5540, include transportation and infrastructure improvement projects that involve a coordinated, cooperative, multi-jurisdictional approach towards project integration, development, design and construction, land use planning, environmental stewardship, financial strategy implementation, economic development and/or public-private partnership opportunities to advance the projects in an innovative, efficient and cost effective manner.

C. These projects undertaken by the TID, pursuant to ORC Chapter 5540, are essential governmental functions and will contribute to the improvement of the prosperity, health, safety, and welfare of the people of the County, and certain political subdivisions therein, including, but not limited to, the CITY, the Township of Franklin, Warren County, Ohio and of the State and are essential governmental functions;

D. The exercise by the TID of the authority granted by ORC Chapter 5540 is necessary for the prosperity, health, safety, and welfare of the County, the CITY and the State and their people and is consistent with and will promote industry, commerce, distribution, and research activity in the County, and certain political subdivisions therein, including, but not limited to, the CITY, the Township of Franklin, Warren County, Ohio and the State.

E. In this regard, the TID has been requested by the CITY to assist in advancing the construction of the *William Good Blvd Extension/Scholl Road Improvements Project* and related work, which the TID has designated as a project and as further described and delineated for purposes of this Agreement in the attached *Exhibit A: William Good Blvd and Scholl Road Improvements* made part hereof, and in the plans on file with the CITY, the TID and the WCEO (referred to hereafter as the “Project”).

F. The CITY affirms it has now advanced the Project through engineering and design and has cleared the required right of way for construction of the Project.

G. The CITY and the TID desire to collaborate on advancing the Project to

completion by jointly providing the necessary funding for the actual construction of the Project, in accordance with this Agreement.

NOW, THEREFORE, in consideration of the premises and the mutual representations and agreements in this Agreement, the CITY and the TID agree, with the foregoing Recitals incorporated herein by reference and expressly made a binding and integral part of this Agreement, as follows:

Article I Definitions; Construction

Section 1.01. Definitions. As used in this Agreement, the following terms shall have the following meanings, unless the context or use clearly indicates another meaning or intent:

“Agreement” means this Intergovernmental Agreement, as the same may be amended from time to time.

“Business Day” means any day other than a Saturday, Sunday, or legal holiday.

“CITY Contribution Amount” means the funding contribution of the CITY, in the amount of Five Hundred Ninety-Six Thousand Five Hundred Forty-Nine Dollars and Twenty-Five Cents (\$596,549.25) as a portion of the Project Construction Cost Shares (as defined below), with said amount committed for eligible Project Cost Items incurred by the CITY and as further provided for herein at Section 2.01, and any other amounts the CITY Council may approve and authorize if it determines such additional amounts are required.

“CITY Council” means the City Council of the City of Franklin, Ohio.

“CITY” means the City of Franklin, Ohio, a municipal corporation and political subdivision of the State.

“Construction Work” means certain Project construction services work and materials, as more specifically set forth and described in *Exhibit A* hereto, which work will be jointly funded by the CITY and TID, as further set forth herein, and which will be managed by the CITY in coordination with the TID.

“County” means the County of Warren, a county and political subdivision of the State.

“Day” means a calendar day, unless specifically designated as a Business Day.

“Effective Date” has the meaning given to such term in the introductory paragraph of this Agreement.

“ORC” means the Ohio Revised Code, as the same may be amended from time to time.

“Party” means, individually, either the CITY or the TID; and *“Parties”* means, collectively, the CITY and the TID.

“Project” means, for purposes of this Agreement, the *William Good Blvd Extension/Scholl Road Improvements Project* as further described and set forth in plans and documents on file with the CITY, the TID and the WCEO and in Exhibit A hereto.

“Project Costs” or “Project Cost Items” means the cost incurred by the CITY for the services, materials and/or work items required to facilitate and complete the Construction Work and as further described herein and set forth in Exhibit A hereto and per documents and plans on file with the CITY, TID and the WCEO.

“Project Construction Funding” means the CITY Contribution Amount and TID Contribution Amount comprising the Project Construction Cost Shares, which are the sole sources of funding for the Project Construction Work, and any additional amounts from the CITY if required.

“Project Construction Cost Shares” means the agreed upon funding share commitments by the CITY and the TID to provide the current estimated amount of funding required for Project Construction Cost Items, as hereby agreed upon by the Parties and as further described in Exhibit A hereto, which is in the following shares: CITY, in the amount of Five Hundred Ninety-Six Thousand Five Hundred Forty-Nine Dollars and Twenty-Five Cents (\$596,549.25), as defined herein as the CITY Contribution Amount and the TID, in an amount up to and not to exceed Five Hundred Eighty-Three Thousand Five Hundred Eighty Dollars and Twenty-Five Cents (\$583,580.25), as defined herein as the TID Contribution Amount. The CITY acknowledges and agrees that it is thereafter responsible for any amounts that may be required over the amount of One Million One Hundred Eighty Thousand One Hundred Twenty-Nine Dollars and Fifty Cents (\$1,180,129.50), the total of the combined *Project Construction Cost Shares*.

“State” means the State of Ohio.

“Term” has the meaning given to such term in Section 4.01.

“TID” means The Warren County Transportation Improvement District, a transportation improvement district and a body both corporate and politic created by the Board of County Commissioners pursuant to ORC § 5540.02.

“TID Contribution Amount” means the funding contribution commitment of the TID, in an amount not to exceed Five Hundred Eighty Three Thousand Five Hundred Eighty Dollars and Twenty-Five Cents (\$583,580.25), as a portion of the Project Construction Cost Shares, with said amount payable on a reimbursement basis to the CITY for eligible Project Cost Items actually incurred and paid by the CITY and subsequently invoiced to for payment of the TID’s share as further provided for herein at Section 2.01.

“Trustees” means the Board of Trustees of the TID.

“WCEO” means the Warren County Engineer’s Office, an elected office located in the County.

Section 1.02. Exhibits. The following Exhibit is attached to and made a part of this Agreement: *Exhibit A - William Good Blvd and Scholl Road Improvements*

Section 1.03. References to Parties. Any reference in this Agreement to the CITY or CITY Council, the Trustees or the TID, or to any officers of the CITY or the TID, includes those entities or officials succeeding to their functions, duties or responsibilities pursuant to or by operation of law or lawfully performing their functions.

Section 1.04. Statutory References. Any reference in this Agreement to a section or provision of the Constitution of the State, or to a section, provision, or chapter of the ORC shall include such section, provision, or chapter as modified, revised, supplemented, or superseded from time to time; provided, however, that no amendment, modification, revision, supplement, or superseding section, provision, or chapter shall be applicable solely by reason of this Section if it constitutes in any way an impairment of the rights or obligations of the CITY, or the TID under this Agreement.

Section 1.05. Adverbs; Other References. Unless the context indicates otherwise, the terms “hereof,” “hereby,” “herein,” “hereto,” “hereunder,” and similar terms used in this Agreement refer to this Agreement; and, unless otherwise indicated, references in this Agreement to articles, sections, subsections, clauses, exhibits, or appendices are references to articles, sections, subsections, clauses, exhibits, or appendices of this Agreement.

Section 1.06. Number and Gender. All terms and words used in this Agreement, regardless of the number and gender in which they are used, shall be deemed and construed to include any other number (singular or plural) and any other gender (masculine, feminine, or neuter) as the context or sense of this Agreement or any article, section, subsection, or clause herein may require, the same as if such words had been fully and properly written in the appropriate number and gender.

Section 1.07. Captions. The captions or headings at the beginning of each article and section of this Agreement are merely guides or labels for the convenience of the Parties to assist in identifying those articles and sections, are not intended to be a part of the context of this Agreement, and shall not be deemed to modify, to explain, to enlarge, or to restrict any of the provisions hereof

Section 1.08. Ambiguity. The Parties have participated jointly in the negotiation and drafting of this Agreement. Should any ambiguity or question of intent or interpretation arise with respect to any provision of this Agreement, including any exhibit hereto, this Agreement shall be construed as if drafted jointly by the Parties, and no presumption or burden of proof shall arise favoring or disfavoring either Party by virtue of the authorship of any of the provisions of this Agreement.

Section 1.09. Severability. Whenever possible, each provision of this Agreement shall be interpreted in such a manner as to be effective and valid under applicable law; but, if any provision of this Agreement shall be prohibited by or invalid under applicable law, such provision shall be ineffective to the extent of such prohibition or invalidity, without invalidating

the remainder of such provision or the remaining provisions of this Agreement.

Article II Scope of Agreement

Section 2.01. Cooperation and Consent. The TID and the CITY acknowledge and agree that it is essential to the welfare of the people of the CITY and the County, that the Parties cooperate to the greatest extent practical in the development, funding and construction of the Project which will contribute to the improvement of the prosperity, health, safety, and welfare of all of the people of the CITY and the County.

Section 2.02. General Agreement Regarding Funding. The Parties acknowledge and agree as follows:

- (a) The CITY agrees to provide the CITY Contribution Amount for the Project Construction Funding and will acquire, construct, inspect and maintain the Project according to the plans on file with the CITY, TID and WCEO and, further, will construct the Project in accordance with all applicable laws, standards and regulations and perform all related responsibilities as thereby required or appropriate, including, but not limited to, the management, administration and performance of all activities required to accordingly complete the Project.
- (b) The TID agrees to provide the TID Contribution Amount to reimburse a portion of the Project Cost Items paid by the CITY as follows:
 - (i) As the CITY incurs and pays Project Cost Items, the CITY will request reimbursement from the TID from the TID Contribution Amount, by providing an invoice detailing the amount of the specific Project Cost Items the CITY has paid, accompanied by a reimbursement request package including all the appropriate back-up documentation sufficient to allow the TID to adequately verify any such amounts being invoiced for reimbursement by the TID. In the event the TID determines it has not received sufficient information from the CITY relative to invoices for payment of such share from the TID Contribution Amount, the TID will notify the CITY in writing, by both facsimile transmission and via electronic mail, that it has not received the requisite information and the CITY will provide such information as reasonably required within 10 business days, so as to facilitate and not unduly delay the reimbursement payment process.
 - (ii) Upon the receipt from the CITY of such invoice(s) for reimbursement with the accompanying back-up documentation, the TID will pay 50% of the amount of said invoice, until and up to, but not exceeding, the TID Contribution Amount. The TID shall direct said payments to such account as instructed, in writing, by the CITY. The CITY shall provide the TID with such instructions within 10 business days of the execution of this Agreement.
- (c) In the event the CITY does not receive the payment due, pursuant to (b) above,

the CITY will immediately notify the TID in writing, by both facsimile transmission and via electronic mail, that it has not made its payment and that the payment is due immediately.

- (d) The TID further agrees that, notwithstanding any other provision of the Agreement, including Section 4.02, the TID's commitment to make payment of the TID Pledged Amount to the CITY, as set forth herein, will continue and shall survive any termination of the Agreement until full payment of the TID Contribution Amount committed for the Project Construction Funding is accordingly made.
- (e) The CITY and TID, in coordination and cooperation with WCEO, will arrange a schedule of Project update sessions, on such a schedule as the Parties determine is appropriate, to review the progress of the Project Construction Work.
- (f) The provisions of this Agreement may not be altered or amended without the express written consent of all of the parties hereto.

Section 2.03. Relationship of the Parties.

- (a) Neither this Agreement nor the relationship among the Parties established pursuant to this Agreement shall constitute or be deemed to be that of a partnership, joint venture, employment, master and servant, or principal and agent. Neither Party shall have any authority to make, and neither Party shall make, any representations, warranties, or statements on behalf of the other Party, and neither Party shall bind, or be liable for the debts or obligations of, the other Party. In the performance of its services hereunder, the TID is and shall at all times be an independent contractor, free and clear of any dominion or control by the other Party, except as specifically provided herein. The number of employees, consultants and contractors used by the TID in the performance of its obligations hereunder, their selection, and the hours of labor and the compensation for services performed shall be reasonably determined by the TID in good faith and in the best interests of the successful completion of the Construction Work. Each Party shall pay, and shall be solely responsible for, its operating expenses, including, but not limited to, the wages of its employees and any and all taxes, licenses, and fees levied or assessed on such Party in connection with or incident to the performance of this Agreement by any governmental agency for unemployment compensation insurance, old age benefits, social security or any other taxes on the wages of such Party, its agents, its employees, and its representatives.
- (b) Nothing in this Agreement shall (1) modify, alter, or impair in any way any pre-existing contractual arrangement or agreement between or among either the CITY or the TID or (2) preclude either Party from entering into other agreements with respect to matters not specifically addressed in this Agreement.

Section 2.04. Extent of Covenants; No Personal Liability. All covenants, obligations, and agreements of the Parties contained in this Agreement shall be effective to the extent authorized and permitted by applicable law. No such covenant, obligation, or agreement shall be deemed to be a covenant, obligation, or agreement of any present or future member, trustee, officer, agent, or employee of any Party in other than his or her official capacity; and neither the CITY Council or any member of the CITY or the Council or any member of the TID, nor any official executing this Agreement shall be liable personally under this Agreement or be subject to any personal liability or accountability by reason of the execution of this Agreement or by reason of the covenants, obligations, or agreements of the Parties contained in this Agreement.

Section 2.05. Liability of the Parties. Neither Party shall have any liability to the other Party for any mistakes or errors in judgment or for any act or omission believed in good faith to be in the scope of authority conferred upon such Party by this Agreement.

Section 2.06. No Third Party Beneficiary. Only the Parties shall have any rights under this Agreement. No other persons or entities, shall have any rights under this Agreement or be deemed to be third-party beneficiaries of this Agreement.

Article III Representations and Further Agreements

Section 3.01. Representations of the TID. To induce the CITY to enter into this Agreement, the TID represents to the CITY as follows:

- (a) it is a transportation improvement district and a body both corporate and politic duly organized and validly existing under the laws of the State;
- (b) it has full power and authority to execute and deliver this Agreement and to perform its obligations hereunder;
- (c) the execution, delivery, and performance of this Agreement have been duly authorized by all requisite action on the part of the TID and the Trustees; and this Agreement, when executed and delivered by the TID, will constitute a legal, valid, and binding obligation of the TID; and
- (d) the execution, delivery, and performance of this Agreement do not, and will not, (1) violate any provision of law applicable to the TID or (2) result in a default under any agreement or instrument to which the TID is a party or by which it is bound.

Section 3.02. Representations of the CITY. To induce the TID to enter into this Agreement, the CITY Council represents to the TID as follows:

- (a) it is the duly constituted and duly elected governing body of the CITY under the laws of the State;
- (b) it has full power and authority to execute and to deliver this Agreement and to perform its obligations hereunder;

- (c) the execution, delivery, and performance of this Agreement have been duly authorized by all requisite action on the part of the CITY; and this Agreement, when executed and delivered by the CITY Council, will constitute a legal, valid, and binding obligation of the CITY;
- (d) the execution, delivery, and performance of this Agreement do not, and will not, (1) violate any provision of law applicable to the CITY or (2) result in a default under any agreement or instrument to which either the CITY Council or the CITY is a party or by which either the CITY Council or the CITY is bound; and

Section 3.03. Challenge to Agreement.

- (a) Each Party waives any and all rights it may have to commence or to maintain any civil action or other proceeding to contest, to invalidate, or otherwise to challenge this Agreement or any of the actions required or contemplated by this Agreement, or to take any actions, either directly or indirectly, to oppose in any other way, or to initiate, promote, or support the opposition of, this Agreement or any of the actions required or contemplated by this Agreement.
- (b) In the event of a court action by a third party challenging the validity or enforceability of this Agreement or any of its provisions, each Party shall fully cooperate to vigorously defend the Agreement. If less than all the Parties are named as parties to the action, the other Party shall seek to intervene, and each named Party shall support such intervention. The cost of defending this Agreement shall be shared equally by the Parties. No settlement of such an action shall be permitted without the approval of each Party.

Section 3.04. Good Faith and Fair Dealing. The Parties hereby acknowledge that this Agreement imposes upon each of them a duty of good faith and fair dealing in its implementation.

Section 3.05. Notice of Disagreement. The Parties acknowledge and agree that the performance of certain of the agreements contained herein is to be undertaken in a mutual and cooperative fashion, and, to ensure such cooperative effort, each Party agrees promptly to notify the other of disagreements arising hereunder and to act in good faith to promptly resolve such disagreements.

Section 3.06. Assignment. No Party may assign this Agreement, in whole or in part, voluntarily or involuntarily, by operation of law, or otherwise, without the prior written consent of the other Party, which consent shall not unreasonably be withheld.

Section 3.07. Amendment; Waiver. This Agreement may not be modified, altered, amended, or discharged, or any rights hereunder waived, except by an instrument in writing executed by all Parties; provided, that if any amendment, alteration modification or discharge affects the rights and interests of the Insurer, such amendment, alteration, modification or discharge shall be subject to the prior written consent of the Insurer. No waiver of any term,

provision, or condition of this Agreement, in any one or more instances, shall be deemed to be, or construed as, a further or continuing waiver of any such term, provision, or condition or as a waiver of any other term, provision, or condition of this Agreement.

Article IV Term; Remedies

Section 4.01. Term. This Agreement shall become effective on the Effective Date. Unless sooner terminated pursuant to the other provisions of this Agreement, the term of this Agreement shall be for the period from and after February 3, 2022 to and including October 1, 2022 (the “Term”).

Section 4.02. Termination. So long as any amount of the Project Construction Funding is outstanding and unpaid, this Agreement shall not be terminated. If no Project Construction Funding is outstanding, this Agreement will terminate, prior to the expiration of the Term, upon the completion of the Construction Work.

Section 4.03. Waiver of Breach. No waiver by any Party will be effective unless it is in writing and then only to the extent specifically stated and agreed to by all Parties. No failure on the part of any Party to exercise, and no delay in exercising, any right, power, or remedy hereunder shall operate as a waiver thereof; nor shall any single or partial exercise of any such right, power, or remedy by any Party preclude any other or further exercise thereof or the exercise of any other right, power, or remedy. Failure of any Party to demand strict performance of the provisions of this Agreement by any other Party, or any forbearance by any Party in exercising any right or remedy hereunder or otherwise afforded by law, shall not constitute a waiver by such Party of any provision of this Agreement. Any condition, term, or covenant in this Agreement that is not complied with will be considered a breach.

Article V Miscellaneous

Section 5.01. Time is of the Essence. Time is of the essence in the compliance with the terms and conditions of this Agreement. Whenever, under the terms of this Agreement, the time for performance falls on a Day other than a Business Day, such time for performance shall be on the next Business Day.

Section 5.02. Notices.

- (a) Except as otherwise provided herein, any notice provided for in this Agreement shall be in writing and shall be deemed to have been duly given as follows:
 - (1) upon receipt, when delivered personally to a Party at its address as hereinafter set forth; or
 - (2) one Business Day after being delivered to a reputable overnight courier service, prepaid, marked for next-day delivery to a Party at its address as hereinafter set forth; or
 - (3) on the third Business Day after being mailed by United States mail,

registered or certified, return receipt requested, postage prepaid, addressed to a Party at its address as hereinafter set forth; or

- (4) upon confirmation of receipt by telephone at the number specified for confirmation, if sent by facsimile transmission to a Party at its facsimile number as hereinafter set forth.

- (b) All notices to be given to the TID pursuant to this Agreement shall be sent to the TID at the following address:

The Warren County Transportation Improvement District
Attn: Neil Tunison, P.E. /P.S., Secretary/Treasurer
105 Markey Road
Lebanon, Ohio 45036
Facsimile: (513) 695-3307
Electronic Mail: neil.tunison@co.warren.oh.us

- (c) All notices to be given to the CITY pursuant to this Agreement shall be sent to the CITY at the following address:

City of Franklin
Attn: Jonathan Westendorf, City manager
1 Benjamin Franklin Way
Franklin, OH 45005
Facsimile: 937-746-9921
Electronic Mail: jwestendorf@franklinohio.org

- (d) Any Party may at any time change its address and/or facsimile number for such notices, requests, demands, or statements by giving the other Parties written notice thereof in accordance Section 5.02(a) hereof.

Section 5.03. Governing Law; Jurisdiction and Venue. This Agreement shall be governed by the laws of the State of Ohio in all respects, including matters of construction, validity, and performance.

Section 5.04. Entire Agreement. This Agreement (including the recitals and exhibits hereto, which are by this reference incorporated herein and made a part hereof) sets forth all understandings between the Parties respecting the subject matter of this transaction, and all prior agreements, understandings, and representations, whether oral or written, representing this subject matter are merged into and superseded by this written Agreement. No course of prior dealings among the Parties and no usage of trade shall be relevant or admissible to supplement, to explain, or to vary any of the terms of this Agreement.

Section 5.05. Binding Effect. This Agreement, and the terms, covenants, and conditions hereof, shall be binding upon and inure to the benefit of the Parties and, subject to the prohibitions of assignment set forth herein, their respective administrators, successors, and assigns.

Section 5.06. Counterparts; Facsimile Signatures. The terms of this Agreement are hereby agreed to by both Parties, as shown by the signatures of representatives of each. Each Party represents that the signatories hereto have been duly authorized to execute this Agreement on behalf of the Party. The delivery of a signed copy of this Agreement by Facsimile Transmission (fax) or by e-mail transmission in Portable Digital Format (pdf) shall constitute effective execution and delivery of this Agreement as to the Parties; and will create a valid and binding obligation of the Party executing (or on whose behalf such signature is executed) with the same force and effect as if such fax or pdf signature page were an original agreement. Signatures of the Parties to this contract transmitted by facsimile or PDF will be deemed to be their original signatures for all purposes. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument. It shall not be necessary in proving this Agreement to produce or account for more than one of those counterparts.

IN WITNESS WHEREOF, this Intergovernmental Agreement has been duly executed and delivered for, in the name of, and on behalf of the Parties by their duly authorized officers, all as of the Effective Date.

CITY:

**THE CITY OF FRANKLIN,
WARREN COUNTY, OHIO**

TID:

**THE WARREN COUNTY
TRANSPORTATION
IMPROVEMENT DISTRICT**

By: _____
Jonathan Westendorf, City Manager

By: _____
Secretary-Treasurer

FISCAL OFFICER'S CERTIFICATE

The undersigned, the fiscal officer of City of Franklin, Warren County, Ohio, hereby certifies that the moneys required to meet the obligations of the City of Franklin for the year 2022 under the foregoing Intergovernmental Agreement have been lawfully appropriated and are in the treasury of City of Franklin or are in the process of collection to the credit of an appropriate fund free from any previous encumbrances.

Dated: _____, 2022

Cindy Ryan, Fiscal Officer
City of Franklin, Ohio

FISCAL OFFICER'S CERTIFICATE

The undersigned, the fiscal officer of the Warren County Transportation Improvement District, Warren County, Ohio (the "TID"), hereby certifies that the moneys required to meet the obligations of the TID for the year 2022 under the foregoing Intergovernmental Agreement have been lawfully appropriated and are in the accounts of TID or are in the process of collection to the credit of an appropriate fund free from any previous encumbrances.

Dated: _____, 2022

Neil Tunison, Secretary-Treasurer
Warren County Transportation Improvement
District

EXHIBIT A

William Good Blvd. and Scholl Road Improvements

City of Franklin Ohio
William Good Blvd. and Scholl Road Improvements

ITEM NO.	DESCRIPTION	QUANTITY	UNIT		UNIT COST	TOTAL COST
ROADWAY						
201	CLEARING AND GRUBBING	1	LUMP	@	5,000.00	\$5,000.00
203	EXCAVATION	17000	C.Y.	@	15.00	\$255,000.00
203	EMBANKMENT	9000	C.Y.	@	15.00	\$135,000.00
203	GRANULAR REPAIR OF SUBGRADE	300	C.Y.	@	45.00	\$13,500.00
608	CURB AND GUTTER, TYPE 2	2300	FT.	@	30.00	\$69,000.00
609	HANDICAP RAMP W/TRUNCATED DOMES	1	EA	@	1,000.00	\$1,000.00
609	CONCRETE SIDEWALK, 4"	5500	S.F.	@	10.00	\$55,000.00
	SUBTOTAL					\$533,500.00
PAVEMENT						
204	SUBGRADE COMPACTION	4805	S.Y.	@	2.00	\$9,610.00
204	PROOF ROLLING	6	HOURL	@	150.00	\$900.00
301	ASPHALT CONCRETE BASE, PG64-22, 8"	960	C.Y.	@	200.00	\$192,000.00
304	AGGREGATE BASE	650	C.Y.	@	50.00	\$32,500.00
407	TACK COAT FOR INTERMEDIATE COURSE	435	GAL.	@	3.50	\$1,522.50
407	TACK COAT	435	GAL.	@	3.50	\$1,522.50
448	ASPHALT CONCRETE SURFACE COURSE, TYPE 1, PG64-22, INTERMEDIATE	180	C.Y.	@	200.00	\$36,000.00
448	ASPHALT CONCRETE SURFACE COURSE, TYPE 1, PG64-22, SURFACE	180	C.Y.	@	200.00	\$36,000.00
	SUBTOTAL					\$310,055.00
EROSION CONTROL						
653	TOPSOIL STOCKPILED AND PLACED	2100	C.Y.	@	25.00	\$52,500.00
659	TEMPORARY SEEDING AND MULCHING	20000	S.Y.	@	0.40	\$8,000.00
659	REPAIR SEEDING AND MULCHING	500	S.Y.	@	0.42	\$210.00
659	SEEDING AND MULCHING	20000	S.Y.	@	0.55	\$11,000.00
659	FERTILIZER	10	TON	@	800.00	\$8,000.00
659	WATER	500	M GAL.	@	20.00	\$10,000.00
660	SODDING STAKED	600	S.Y.	@	6.25	\$3,750.00
832	SILT FENCE	500	L.F.	@	2.00	\$1,000.00
832	GEOTEXTILE STONE INLET PROTECTION	6	EACH	@	200.00	\$1,200.00
832	STORMWATER POLLUTION PREVENTION PLAN	1	LUMP	@	6,500.00	\$6,500.00
	SUBTOTAL					\$102,160.00
DRAINAGE						
611	12" CONDUIT, TYPE B	300	FT.	@	65.00	\$19,500.00
611	18" CONDUIT, TYPE B	10	FT.	@	85.00	\$850.00
611	36" CONDUIT, TYPE C	244	FT.	@	120.00	\$29,280.00
611	42" CONDUIT, TYPE B	129	FT.	@	150.00	\$19,350.00
611	MODIFIED HEADWALL	3	EACH	@	3,000.00	\$9,000.00
611	CATCH BASIN, CB-3	6	EACH	@	3,100.00	\$18,600.00
611	CATCH BASIN, CB 2-4	1	EACH	@	2,600.00	\$2,600.00
611	MANHOLE ADJUST TO GRADE	1	EACH	@	500.00	\$500.00
	SUBTOTAL					\$99,680.00
TRAFFIC CONTROL						
630	STOP SIGN	1	EACH	@	150.00	\$150.00
630	SPEED LIMIT SIGN, 25 MPH	1	EACH	@	150.00	\$150.00
644	STOP LINE	36	FT.	@	10.00	\$360.00
	SUBTOTAL					\$660.00
MISCELLANEOUS						
614	MAINTENANCE OF TRAFFIC	1	LUMP	@	5,000.00	\$5,000.00
623	CONSTRUCTION LAYOUT STAKES	1	LUMP	@	5,000.00	\$5,000.00
624	MOBILIZATION	1	LUMP	@	5,000.00	\$5,000.00
	SUBTOTAL					\$15,000.00
SCHOLL ROAD						
301	ASPHALT CONCRETE BASE, PG64-22, 8"	20	C.Y.	@	200.00	\$4,000.00
407	TACK COAT	95	GAL.	@	2.00	\$190.00
448	ASPHALT CONCRETE SURFACE COURSE, TYPE 1, PG64-22, INTERMEDIATE	4	C.Y.	@	200.00	\$800.00
448	ASPHALT CONCRETE SURFACE COURSE, TYPE 1, PG64-22, SURFACE	4	C.Y.	@	200.00	\$800.00
608	CURB AND GUTTER, TYPE 2	200	FT.	@	30.00	\$6,000.00
	SUBTOTAL					\$11,790.00
	PROJECT SUBTOTAL					\$1,072,845.00
	10% CONTINGENCY					\$107,284.50
	PROJECT GRAND TOTAL					\$1,180,129.50

Useful Life: Upon satisfactory completion of the work, the useful life of the roadway will be 40 years. The surface course will need to be repaved as needed.

Scholl Rd. Improvements	\$11,790.00	\$1,179.00	\$12,969.00
William Good Blvd. Improvements	\$1,061,055.00	\$106,105.50	\$1,167,160.50
Total	\$1,072,845.00	\$107,284.50	\$1,180,129.50

	City	County
William Good Blvd. Improvements	\$583,580.25	\$583,580.25
Scholl Rd. Improvements	\$12,969.00	
Total	\$596,549.25	\$583,580.25

Legislative Cover Memo

Meeting Date: January 3, 2022

Agenda Item: **Resolution 2022-11**
AUTHORIZING THE CITY MANAGER TO EXECUTE FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT 2020-03 WITH THE CITY OF SPRINGBORO, OHIO AND THE WARREN COUNTY TRANSPORTATION IMPROVEMENT DISTRICT TO FACILITATE THE I-75 AND SR 73 INTERCHANGE PROJECT WAR SR 73 3.66 (PID 113717)

Submitted by: Barry Conway, City Engineer

Scope/Description: The City of Franklin is currently a party to Intergovernmental Agreement 2020-03, dated September 25, 2020, (the "IGA") with the City of Springboro and Warren County Transportation Improvement District (WCTID) to facilitate the development of the I-75 and State Route 73 Interchange Project. The WCTID requires additional funds from Springboro and Franklin to complete the Project. The First Amendment to the IGA states the parties' agreement to deposit the additional funds with the WCTID.

Budget Impact: If City Council passes Resolution 2022-11 approving the First Amendment, the City will be committing to contribute additional funds towards the Project in the total amount of \$194,450.

Exhibits: Exhibit A: First Amendment to Intergovernmental Agreement 2020-03

Recommendation: Approval.

CITY OF FRANKLIN, OHIO
RESOLUTION 2022-11

**AUTHORIZING THE CITY MANAGER TO EXECUTE FIRST AMENDMENT TO
INTERGOVERNMENTAL AGREEMENT 2020-03 WITH THE CITY OF SPRINGBORO, OHIO
AND THE WARREN COUNTY TRANSPORTATION IMPROVEMENT DISTRICT
TO FACILITATE THE I-75 AND SR 73 INTERCHANGE PROJECT WAR SR 73 3.66 (PID 113717)**

WHEREAS, the City of Franklin is currently a party to Intergovernmental Agreement 2020-03, dated September 25, 2020, (the "IGA") with the City of Springboro, Ohio and Warren County Transportation Improvement District (the "WCTID") to facilitate the development of the I-75 and State Route 73 Interchange Project (the "Project");

WHEREAS, the WCTID requires additional funds from the City of Springboro and the City of Franklin to complete the Project, as more specifically set forth in the First Amendment to the IGA attached as "Exhibit A" to this Resolution;

WHEREAS, the WCTID requires the City of Franklin to deposit additional funds towards the Project in the total amount of \$194,450; and

WHEREAS, City Council desires to continue its participation in, and funding of, the Project by approving the City's expenditure of the additional requested funds towards the Project and authorizing the City Manager to execute the First Amendment to the IGA.

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

Section 1. City Council hereby approves the City's expenditure, and deposit with the WCTID, of public funds in the total amount of \$194,450.

Section 2. The City Manager is hereby authorized to execute the First Amendment to the IGA, in substantially the same form as the attached "Exhibit A", on the City's behalf.

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 occurred in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

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

ADOPTED: January 3, 2022

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
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 January 3, 2022.

Khristi Dunn, Clerk of Council

FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT

By and Between

CITY OF FRANKLIN, OHIO

And

CITY OF SPRINGBORO, OHIO

And

THE WARREN COUNTY TRANSPORTATION
IMPROVEMENT DISTRICT

[I-75 and SR 73 Interchange Project WAR SR 73 3.66 (PID 113717)]

Dated as of January 14, 2022

FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT

THIS FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT 2020-03 (the “*AMENDMENT*”) is dated as of January 14, 2022 and amends certain provisions of the Intergovernmental Agreement 2020-03 by and between CITY OF FRANKLIN (“FRANKLIN”), a municipal corporation and political subdivision located in Warren County, Ohio, pursuant to Ohio Revised Code (“ORC”) Chapter 715 and its Charter, the CITY OF SPRINGBORO (“SPRINGBORO”), a municipal corporation and political subdivision located in Warren County, Ohio, pursuant to Ohio Revised Code (“ORC”) Chapter 715 and its Charter, and THE WARREN COUNTY TRANSPORTATION IMPROVEMENT DISTRICT, a transportation improvement district and a body both corporate and politic created pursuant to ORC Chapter 5540 (“WCTID”).

Recitals:

A. FRANKLIN, SPRINGBORO and the WCTID have heretofore entered into an Intergovernmental Agreement 2020-03, dated as of September 25, 2020 (the “*AGREEMENT*”).

B. The Councils of FRANKLIN and SPRINGBORO entered into the *AGREEMENT* to cooperate with the WCTID and ODOT in endeavors to facilitate the development and implementation of the *I-75 and SR 73 Interchange Project WAR SR 73 3.66 (PID 113717)* as defined in Section 1.01 of the *AGREEMENT* (the “Project”).

C. The WCTID, in coordination with FRANKLIN, SPRINGBORO and ODOT, has now advanced the Project through Stage 1 Plans and Preliminary Right-of-Way and the Project is ready to proceed to Right-of-Way Acquisition and Construction Phases.

D. The WCTID further hereby agrees, contingent upon FRANKLIN and SPRINGBORO depositing with the WCTID the Additional Project Work Local Funding Contribution amounts, as further defined herein and as set forth and specified in Exhibit C (as amended) attached hereto and made part hereof, to assume certain related additional responsibilities of administering and managing the Additional Project Work, as further defined herein and as set forth in Exhibit C (as amended), which is not funded through the Safety Fund Grant.

E. The WCTID has accordingly requested that certain amendments be made to the *AGREEMENT* to provide for the Additional Project Work Local Funding Contribution amounts from FRANKLIN and SPRINGBORO to be deposited with the WCTID so as to provide for the costs related to complete the Additional Project Work required by FRANKLIN and SPRINGBORO in connection with the Project, which includes a related increase in the TID Project Management Fee for costs the TID is incurring relating to facilitating and constructing the Additional Project Work, as further set forth and described in Exhibit C (as amended).

NOW, THEREFORE, in consideration of the premises and the mutual representations and agreements in this Amendment, the Council and the WCTID agree as follows:

ARTICLE 1. DEFINITION; CONSTRUCTION

Section 1.1. Unless otherwise defined herein, all words and phrases given a defined meaning in the AGREEMENT will have the same meaning in this Amendment.

ARTICLE 2. AMENDMENTS

Section 2.1 Amendment of Section 1.01. Section 1.01 of the AGREEMENT is hereby amended with the following revised defined terms in the definitions section, as follows:

“Additional Project Work” means the additional services necessary or appropriate to complete the Project roadway and related improvements, including, but not limited to, certain professional landscape architectural services, acquisition activities, related construction work and construction engineering and inspection services as further set forth on plans and documents on file with the WCTID.

“FRANKLIN Additional Project Work Local Funding Contribution” means FRANKLIN’s commitment and explicit agreement to deposit with the WCTID the amount of One Hundred Ninety-Four Thousand Four Hundred Fifty Dollars and .00/1.00 (\$194,450.00) which is required for funding the Additional Project Work and related TID Management Fee, as further described and on or before the dates specified in Exhibit C (as amended), attached hereto and made part hereof.

“Project Cost” means cost required to complete the Project through construction, estimated to be in the amount of Four Million Forty-Five Thousand Three Hundred Ten Dollars and .00/1.00 (\$4,045,310.00), as further set forth in Exhibits A and C attached hereto and the documents and agreements on file with the WCTID, WCEO, FRANKLIN, SPRINGBORO and ODOT.

“Project Work” means the services necessary or appropriate to design, engineer, acquire and construct the Project roadway improvements, and any related construction inspection and engineering required, to be administered by the WCTID, in conjunction with the WCEO and ODOT, with related Project Costs advanced from the Safety Grant Funds available to the WCTID and the FRANKLIN Additional Project Work Local Funding Contribution and SPRINGBORO Additional Project Work Local Funding Contribution.

“SPRINGBORO Additional Project Work Local Funding Contribution” means SPRINGBORO’S commitment and explicit agreement to deposit with the WCTID the amount of Four Hundred Fifty-Four Thousand Four Hundred Fifty Dollars and .00/1.00 (\$454,450.00) which is required for funding the Additional Project Work and related TID Management Fee, as further described and on or before the dates specified in Exhibit C (as amended), attached hereto and made part hereof.

“Additional TID Project Management Fee” means the fee agreed upon herein by the Parties and payable to the WCTID for the TID Management Services for the Additional Project Work in the amount of Eighteen Thousand Nine Hundred and .00/1.00 (\$18,900.00), and FRANKLIN and SPRINGBORO each hereby agree to make payments in equal pro-rata amounts of Nine Thousand Four Hundred Fifty Dollars and .00/1.00 (\$9,450.00) to the WCTID, on or before February 15, 2022, as set forth on Exhibit C (as amended), in consideration of and as compensation for the WCTID’s commitment to provide the TID Project Management Services.

Section 2.2. Amendment of Section 2.02 (a). Section 2.02 (a) of the AGREEMENT is hereby amended by adding the following revised section:

- (a) FRANKLIN, SPRINGBORO and WCTID explicitly agree to contribute, facilitate, and provide the funding to cover the cost for or related to the Project Work, in accordance with and as set forth in the PROJECT REVENUE SUMMARY attached hereto as Exhibit C (as amended) and made part hereof. FRANKLIN, SPRINGBORO explicitly agrees to make payment to the WCTID of the Safety Fund Grant Advance and TID Project Management Fee amounts as set forth herein and further specified in Exhibit C (as amended) attached hereto and made part hereof. Furthermore, FRANKLIN, SPRINGBORO explicitly acknowledge and agree that if additional funding, over and above the amount of the Safety Fund Grant and the FRANKLIN Additional Project Work Local Funding Contribution and SPRINGBORO Additional, is required for the Project Work, FRANKLIN and SPRINGBORO will be solely responsible for providing such funding, in equal pro-rata amounts, subject to requisite approval and appropriation by Council, unless other sources of any additional required funding are otherwise identified.

ARTICLE 3. MISCELLANEOUS

Section 3.1. Effect of Amendment. This AMENDMENT (including the recitals hereto, which are by this reference incorporated herein and made a part hereof) sets forth the entire understanding of the parties hereto with respect to the transactions described herein. Other than the changes made to the AGREEMENT pursuant to this AMENDMENT, the AGREEMENT remains unchanged and in full force and effect. This AMENDMENT shall be and become effective as of January 14, 2022.

Section 3.2. Binding Effect. This AMENDMENT and the terms, covenants and conditions hereof shall be binding upon and benefit to the parties hereof and, subject to the prohibitions on assignment set forth in the AGREEMENT, as amended, to their respective administrators, successors and assigns.

Section 3.3. *Counterparts; Facsimile Signatures.* The terms of this AMENDMENT are hereby agreed to by both Parties, as shown by the signatures of representatives of each. Each Party represents that the signatories hereto have been duly authorized to execute this AMENDMENT on behalf of the Party. The delivery of a signed copy of this AMENDMENT by Facsimile Transmission (fax) or by e-mail transmission in Portable Digital Format (pdf) shall constitute effective execution and delivery of this AMENDMENT as to the Parties; and will create a valid and binding obligation of the Party executing (or on whose behalf such signature is executed) with the same force and effect as if such fax or pdf signature page were an original AMENDMENT. Signatures of the Parties to this contract transmitted by facsimile or PDF will be deemed to be their original signatures for all purposes. This AMENDMENT may be executed in one or more counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument. It shall not be necessary in proving this AMENDMENT to produce or account for more than one of those counterparts.

[Signature Pages To Follow]

IN WITNESS WHEREOF, this AMENDMENT has been duly executed and delivered for, in the name of, and on behalf of FRANKLIN, SPRINGBORO and the WCTID by their duly authorized officers, all as of the Effective Date.

SPRINGBORO:

**CITY OF SPRINGBORO,
WARREN COUNTY, OHIO**

By: _____
City Manager

By: _____
Finance Director

FRANKLIN:

**CITY OF FRANKLIN,
WARREN COUNTY, OHIO**

By: _____
City Manager

By: _____
Finance Director

WCTID:

**THE WARREN COUNTY
TRANSPORTATION
IMPROVEMENT DISTRICT**

By: _____
Secretary-Treasurer

FISCAL OFFICER'S CERTIFICATE

The undersigned, fiscal officer of Franklin, Warren County, Ohio ("FRANKLIN"), hereby certifies that the moneys required (if any) to meet the obligations of FRANKLIN for the year 2022 under the foregoing Intergovernmental Agreement have been lawfully appropriated and are in the treasury of Springboro or are in the process of collection to the credit of an appropriate fund free from any previous encumbrances. This Certificate is given in compliance with ORC § 5705.41.

Dated: _____, 2022

Cindy Ryan, Finance Director,
City of Franklin, Ohio

FISCAL OFFICER'S CERTIFICATE

The undersigned, fiscal officer of SPRINGBORO of Springboro, Warren County, Ohio ("SPRINGBORO"), hereby certifies that the moneys required (if any) to meet the obligations of SPRINGBORO for the year 2022 under the foregoing Intergovernmental Agreement have been lawfully appropriated and are in the treasury of SPRINGBORO or are in the process of collection to the credit of an appropriate fund free from any previous encumbrances. This Certificate is given in compliance with ORC § 5705.41.

Dated: _____, 2022

Jonathan Huson, Finance Director,
City of Springboro, Ohio

EXHIBIT C (as amended)

PROJECT REVENUE SUMMARY

Party	Project Cost Item	Local Match Cost Amount	ODOT Safety Funding
SPRINGBORO/FRANKLIN	Safety Study	\$35,872	\$ -0-
Safety Fund Grant	Preliminary Engineering	\$ -0-	\$ 328,000
Safety Fund Grant	Detail Design	\$ -0-	\$ 219,000
Safety Fund Grant	Construction	\$ -0-	\$ 2,663,000
Safety Fund Grant	Construction Engineering	\$ -0-	\$ 186,410
SPRINGBORO/FRANKLIN	TID Project Management Fee	\$101,892	\$ -0-
ADDITIONAL PROJECT WORK REVENUE SUMMARY			
SPRINGBORO ¹	Right-of-Way	\$20,000	\$ -0-
FRANKLIN ¹	Right-of-Way	\$60,000	\$ -0-
SPRINGBORO/FRANKLIN ²	Landscaping Design	\$50,000	\$ -0-
SPRINGBORO ³	Project Landscaping	\$400,000	\$ -0-
FRANKLIN ³	Project Landscaping	\$100,000	\$ -0-
SPRINGBORO/FRANKLIN ⁴	TID Project Management Fee	\$18,900	\$ -0-

¹ **Right-of-Way:** To be deposited with WCTID on or before February 15, 2022.

² **Landscaping Design:** To be deposited with the WCTID on or before February 15, 2022, by SPRINGBORO and FRANKLIN in the equal pro-rata amounts of \$25,000 each for a total of \$50,000

³ **Project Landscaping:** To be deposited with WCTID on or before May 15, 2022.

⁴ **TID Management Fee:** To be deposited with the WCTID on or before February 15, 2022, by SPRINGBORO and FRANKLIN in the equal pro-rata amounts of \$9,450 each for a total of \$18,900

Legislative Cover Memo

Introduction: January 3, 2022
Public Hearing: February 7, 2022
Effective Date: March 9, 2022

Agenda Item: **Ordinance 2022-01**
AMENDING CHAPTER 1105, ADMINISTRATION, CHAPTER 1107 DISTRICTS AND LAND USE STANDARDS, CHAPTER 1113 USE 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 1105.06, Planning Commission, Section 1105.07, Appeals Board, Section 1107.02, Residential Districts, Section 1107.07, Parks and Recreation District, Section 1113.01, Conditional Uses, Section 1115.08, Site Plans, Section 1115.09, Approvals By The Planning Commission and Standards and Section 1115.10, Approvals By The Appeals Boards 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, F, G, and H.

Recommendation: These amendments originated at Planning Commission, who held a public hearing on the proposed changes at its December 13, 2021 meeting. At that meeting, Planning Commission voted unanimously (7-0) to recommend Council approve these amendments.

CITY OF FRANKLIN, OHIO
ORDINANCE 2022-01

AMENDING CHAPTER 1105, ADMINISTRATION, CHAPTER 1107 DISTRICTS AND LAND USE STANDARDS, CHAPTER 1113 USE 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-21-16, which would amend UDO Section 1105.06, Planning Commission, Section 1105.07, Appeals Board, Section 1107.02, Residential Districts, Section 1107.07, Parks and Recreation District, Section 1113.01, Conditional Uses, Section 1115.08, Site Plans, Section 1115.09, Approvals By The Planning Commission and Standards and Section 1115.10, Approvals By The Appeals Boards;

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 December 13, 2021 regular meeting, voted 7-0 to approve Planning Commission Case No. PC 21-16, 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 1105.06, Planning Commission, Section 1105.07, Appeals Board, Section 1107.02, Residential Districts, Section 1107.07, Parks and Recreation District, Section 1113.01, Conditional Uses, Section 1115.08, Site Plans, Section 1115.09, Approvals By The Planning Commission and Standards and Section 1115.10, Approvals By The Appeals Boards are hereby amended, as shown on the attached Exhibits A, B, C, D, E, F, G and H.

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 March 9, 2022.

INTRODUCED: January 3, 2022
ADOPTED: February 7, 2022

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
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 2022-01 passed by that body on February 7, 2022.

Khristi Dunn, Clerk of Council

Approved as to form: _____
Ben Yoder, Law Director

Exhibit A**Chapter 1105.06, Planning Commission**(b) Duties and Responsibilities:

- (1) **Zoning Amendments:** Review and make recommendations to Council on all applications proposing amendments to this UDO, including proposed text amendments or amendments to the Official Zoning DistrictMap(s), which recommendations shall be compatible with the Comprehensive Development Plan and this UDO;
- (2) **PUDs:** Review Development Plans for the PUD and PRCD Overlay Districts and make recommendations regarding such plans to Council, in accordance with the Comprehensive Development Plan and this UDO;
- (3) **Subdivisions:** Review applications, Plats and Site Plans for major subdivisions and make recommendations on approval of major subdivisions to Council, in accordance with the Comprehensive Development Plan and this UDO;
- (4) **Conditional Use Permits:** The Planning Commission may authorize the issuance of Conditional Use Permits to petitioners who specifically meet the requirements and standards for such a permit listed in this UDO, including Conditional Use Permits for Home Occupations and Conditional Use Permits for Sexually Oriented Businesses;
- (5) **Well Field Protection Overlay District:** The Planning Commission may authorize uses within the WFP Overlay District in accordance with the Comprehensive Development Plan and this UDO;
- (6) **Telecommunications Overlay District:** The Planning Commission may approve a Special Permit for certain uses within the TOD to petitioners who specifically meet the requirements and standards for such permit, in accordance with the Comprehensive Development Plan and this UDO; ~~and~~
- (7) **Major Site Plan:** The Planning Commission shall review and may approve all uses requiring the submittal of a Major Site Plan under this UDO; ~~and~~;
- (8) **Interpretation of zoning text and map(s): The Planning Commission has the power to decide any question involving the interpretation of the text and Map(s) of this UDO, including determinations of similar uses for uses not specifically mentioned in this UDO.**

Exhibit B**Chapter 1105.07, Appeals Board**(b) Duties and Responsibilities:

- (1) **Administrative Appeals:** The Appeals Board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Official or City Engineer in the administration and enforcement of the provisions of this UDO;
- (2) **Variances:** The Appeals Board may authorize, upon appeal, by reasons of exceptional narrowness, narrowness, shape, topographic conditions or other extraordinary situation or condition of a lot, a variance from strict application of the provisions of this UDO, to relieve exceptional difficulties or undue hardship, provided that such relief can be granted without substantial detriment to the public good and does not substantially impair the intent of this UDO; and
- (3) **Changes in Nonconforming Uses:** The Appeals Board may authorize the reasonable extension of a nonconforming use or the substitution of a nonconforming use of a building or land with a similar use, when such extension or substitution will not be detrimental to the neighborhood.; and
- ~~(4) **Interpretation of zoning text and map(s): The Appeals Board has the power to decide any question involving the interpretation of the text and Map(s) of this UDO, including determinations of similar uses for uses not specifically mentioned in this UDO.**~~

Exhibit C**Chapter 1107.02, Residential Districts**

- (d) R-4: Multi-Family Residential District: The R-4 Multi-Family Residential District is intended to provide for mixed housing types at medium to high density in urban areas with complete municipal services. The District should generally be located to provide a smooth transition between residential areas and more intense uses. **More than one main/primary/principal building is permitted per lot in the R-4, Multi-Family Residential District, if approved by Planning Commission on a Major Site Plan.**

Exhibit D**Chapter 1107.07, Parks And Recreation District****(d) Development Standards:**

- (1) Playground equipment must be set back from all adjacent residential lots a minimum of twenty-five feet (25').
- (2) Building setbacks shall be:
 - i. Front - Twenty-five feet (25');
 - ii. Rear - Forty feet (40');
 - iii. Side/Total - Ten feet/Twenty-five feet (10':25').
- (3) Swimming pools must be at least ten feet (10') from any adjacent residential property and must meet the requirements of section 1113.05(k).
- (4) For Private Recreational Facilities and Private Park and Event Center, one RV hookup per every five (5) acres may be provided for Administrative purposes.
- (5) **More than one main/primary/principal building is permitted per lot in the PAR, Parks and Recreation District, if approved by Planning Commission on a Major Site Plan.**

Exhibit E

Chapter 1113.01, Conditional Uses.

(c) General Provisions: The following general provisions shall apply:

- (1) **Administration:** Any owner of property in the City may submit an application to the Planning Commission requesting a Conditional Use Permit. Conditional Uses may be permitted in certain zoning districts, as listed in Chapter 1107, Table 1, Table 5 and Table 7. The procedure required prior to authorization of a Conditional Use Permit shall be as prescribed in this Section and section 1115.09.
- (2) **Use Standards:** A Conditional Use, and its accessory uses, may be permitted in a zoning district only when the use, and its location, extent, and method of development, will not substantially alter the character of the area or interfere with the use of adjacent lots in the manner prescribed for the zoning district. In addition, the particular facts and circumstances of each proposed use shall be reviewed for conformity with the General Standards for Approval outlined in section 1113.01(d) and the Specific Standards contained in section 1113.01(e).
- (3) **Development Standards:** A Conditional Use, and its accessory uses, must meet the Lot and Dimensional Requirements outlined for the Use or, if not specifically listed, the underlying zoning district, in Chapter 1107, Tables 2-4, Table 6, Table 8 and Table 9, in addition to any applicable Development Standards contained in Chapter 1111.
- (4) **Compatibility:** Unless otherwise specified in the specific standards outlined in section 1113.01(e), the standards established in the underlying zoning district in which the Conditional Use is proposed to be located shall apply to the Conditional Use.
- (5) **Similar Uses:** For any proposed use not specifically listed as a conditional use, but that appears to be similar to other listed Conditional Uses, the applicant may file with the ~~Appeals Board~~ Planning Commission for a determination of similar use. Upon such determination ~~by the Appeals Board,~~ the Planning Commission shall apply the specific standards for the determined similar use to the proposed use.

Exhibit F

Chapter 1115.08, Site Plans

(h) Exterior Facade Design Standards for Major Site Plans.

(1) **Purpose:** The appearance of buildings, structures, open spaces and landscaping throughout the City is of public concern. It is in the public interest to ensure that major new developments and modifications to existing developments strengthen, protect, enhance and improve the existing visual and aesthetic character of the City and to integrate developments into the surrounding environment, as well as ensure that each new development and redevelopment will be attractive in order to protect and improve property values. Therefore, the purpose of the standards in this Section is to provide criteria to be used by the applicant and Planning Commission in evaluating the appropriateness of proposed development and redevelopment in the City.

(2) **Applicability:** All development subject to the Major Site Plan requirements of this Chapter shall also be subject to these Exterior Facade Design Standards, with the exception of the following specific uses and areas of the City:

(A) Certain manufacturing uses - the provisions of this Section are applicable to the construction and alteration of manufacturing uses within the I-1, Light Industrial District and I-2, General Industrial District; provided, however, that Planning Commission has the authority to waive any or all of the requirements contained in this Section for such uses.

(B) HOD, Historic Overlay District - the construction and alteration of properties subject to the provisions of the Historic Overlay District contained in section 1109.04.

(C) **PAR, Parks and Recreation District. The provisions of this Section are applicable to the construction and alteration of buildings within the PAR, Parks and Recreation District; provided, however, that Planning Commission has the authority to waive any or all the requirements contained in this Section for such uses.**

(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) 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 woodsiding such as Hardiboard or Hardiplank.

(D) No less than three (3) nor more than four (4) of the materials listed above may be used on a building.

(E) The majority of the building elevations shall be finished in the natural material color or neutral, earth tones with a single accent color approved by the Planning Commission.

Exhibit G

Chapter 1115.09, Approvals By The Planning Commission

- (a) Planning Commission shall review applications for the following uses and approve, approve with modifications, or deny such applications, in accordance with the Requirements and Standards for the particular use, as outlined in this UDO:
- (1) Zoning Amendments (see Section 1115.04);
 - (2) PUDs and PRCDs (see Section 1115.05);
 - (3) Major Subdivisions (see Section 1115.06);
 - (4) Major Site Plans (see Section 1115.08);
 - (5) Conditional Uses, including Home Occupations and Sexually Oriented Businesses;
 - (6) Any use in the Well Field Protection Overlay District;
 - (7) Uses requiring a Special Permit in the Telecommunications Overlay District; and
 - (8) Signs: Certain signs within the Highway Sign Overlay District, as provided in Section 1109.07; and
 - (9) Whenever a use is not specifically mentioned in this UDO, the Planning Commission shall make decisions of similar uses.

Chapter 1115.09, Approvals By The Planning Commission

- (f) Determination of Similar Uses: When a specific use is not listed in this UDO as a permitted or Conditional Use, the Planning Commission has the authority to determine whether the specific use is similar in use to any permitted or conditional use of this UDO, or whether such use is prohibited under this UDO.

(1) General Submittal Requirements: The following general requirements shall apply:

- (A) Each request for a determination of similar use shall include an application form, provided by the City, with the submittal;
- (B) Only complete applications shall be processed by the City. The Zoning Official, or the TRC, as appropriate, shall make determination as to completeness;
- (C) The Zoning Official may request additional supporting information that in his professional judgment is necessary to fully explain the applicant's proposal. The applicant shall supply the requested additional information;
- (D) Legal description of property or portion thereof;
- (E) Payment of the application fee as established by section 1105.09;
- (F) The name(s), address(s), and telephone numbers of the applicant(s), and the property owner(s) if other than the applicant(s) with a notarized letter of authorization from the

property owner; and

(G) A list of all owners of property that are contiguous to the subject parcel or lot or that are across the street from it. (The list shall be based upon the Warren County Auditor's current tax lists).

(2) Specific Submittal Requirements; The application shall include:

(A) Address and zoning classification of the subject property;

(B) Description of any existing uses on the property;

(C) A list of the surrounding uses and zoning classification(s); and

(D) A detailed description of the proposed use.

(f)(g) Procedures for Planning Commission Approval: The following outlines the procedure under which the Planning Commission decides development approvals under this Section:

- (1) Pre-application Meeting:** Upon the recommendation of the City Engineer or Zoning Official, or upon the request of the applicant, the applicant shall meet with the TRC prior to submitting an application. The purpose of the meeting is to discuss the proposal and to provide feedback regarding applicable standards and requirements.
- (2) Formal Application Submittal:** The applicant shall submit an application meeting all of the applicable requirements of this Section. All applications shall be submitted by the application deadline established by the City.
- (3) Review by the TRC:** Upon receipt of an application, the City Engineer or Zoning Official shall forward the application to the TRC. The TRC shall review the application for completeness, and if the application is incomplete, shall advise the applicant of the deficiencies and inform the applicant that no further action will be taken on the application until all necessary and required information has been provided. If the application is deemed complete and the application fee has been paid, the TRC shall recommend that the City officially accept the application. Only complete applications will be forwarded to the Planning Commission.
- (4) Notice of Public Hearing before Planning Commission:** Upon determination that an application contains all the necessary and required information, the Zoning Official shall place the application on Planning Commission's agenda, and shall schedule a public hearing. Notice of the hearing shall be provided at least once in one or more newspapers of general circulation in the City. The notice shall be published at least five (5) days before the date of the hearing. The notice shall state the time and place of the hearing. If an application is tabled at the request of the applicant, or due to incompleteness of the application submitted by the applicant, and the public hearing postponed, the cost of mailing the required further notices shall be borne by the applicant.
- (5) Notice to Property Owners of Public Hearing before Planning Commission:** Written notice of the public hearing shall be provided to all owners of property that are contiguous to the subject parcel or lot or that are across the street from it. The applicant shall provide to the Zoning Official a list (based upon the Warren County Auditor's current tax lists) of the owners of property that are contiguous to the subject parcel or lot or that are across the street from it. Such notice shall be sent by the City via regular mail, at least seven (7) days before the date of the hearing, addressed to the owners appearing on the list provided by the applicant and as verified by City staff. If an application is tabled at the request of the applicant, or due

to incompleteness of the application submitted by the applicant, and the public hearing postponed, the cost of mailing therequired further notices shall be borne by the applicant.

- (6) **Preparation of Staff Report:** The City Engineer and/or Zoning Official, as appropriate, shall prepare a staff report providing an analysis of the proposal and a recommendation. The City Engineer and/or Zoning Official shall consider comments from the TRC in formulating his recommendation. The application and all supplemental information filed with the application shall be forwarded to the Planning Commission at least three (3) working days prior to the meeting at which the Planning Commission will consider the application. At said meeting, the City Engineer and/or Zoning Official shall present his report to the Planning Commission.
- (7) **Action by the Planning Commission:** The Planning Commission shall consider the application at its formal public meeting. It may consider comments by staff as appropriate, any presentation by the applicant(s), and comments by interested parties. The Planning Commission shall consider this information and render a decision at a public meeting. The Planning Commission shall approve the application; deny the application; or approve the application subject to additional conditions and restrictions to which the owner has agreed. Its decision shall take effect immediately. Written notice of Planning Commission's decision, including all conditions that may be associated with the decision, shall be transmitted to the applicant no later than ten (10) days after the date the decision was rendered. The written notice shall also include the findings of facts Planning Commission made in rendering its decision.

Exhibit H

Chapter 1115.10, Approvals By The Appeals Board

(a) Appeals Board shall review applications for the following uses and approve, approve with modifications, or deny such applications, in accordance with the Requirements and Standards for the particular use, as outlined in this UDO:

(1) Variances;

(2) Changes or Substitutions in Nonconforming Uses; and

~~(3) Whenever a use is not specifically mentioned in this UDO, the Appeal Board shall make decisions of similar uses; and~~

~~(4)~~(3) Administrative Appeals.

Chapter 1115.10, Approvals By The Appeals Board

~~(d) Determination of Similar Uses: When a specific use is not listed in this UDO as a permitted or Conditional Use, Appeals Board has the authority to determine whether the specific use is similar in use to any permitted or conditional use of this UDO, or whether such use is prohibited under this UDO.~~

~~(1) General Submittal Requirements: The following general requirements shall apply:~~

~~(A) Each request for a determination of similar use shall include an application form, provided by the City, with the submittal;~~

~~(B) Only complete applications shall be processed by the City. The Zoning Official, or the TRC, as appropriate, shall make determination as to completeness;~~

~~(C) The Zoning Official may request additional supporting information that in his professional judgment is necessary to fully explain the applicant's proposal. The applicant shall supply the requested additional information;~~

~~(D) Legal description of property or portion thereof;~~

~~(E) Payment of the application fee as established by section 1105.09;~~

~~(F) The name(s), address(s), and telephone numbers of the applicant(s), and the property owner(s) if other than the applicant(s) with a notarized letter of authorization from the property owner; and~~

~~(G) A list of all owners of property that are contiguous to the subject parcel or lot or that are across the street from it. (The list shall be based upon the Warren County Auditor's current tax lists);~~

~~(2) Specific Submittal Requirements: The application shall include:~~

~~(A) Address and zoning classification of the subject property;~~

~~(B) Description of any existing uses on the property;~~

~~(C) A list of the surrounding uses and zoning classification(s); and~~

~~(D) A detailed description of the proposed use.~~

~~(e)~~(d) **Approvals by the Appeals Board:** The following outlines the procedure under which the Appeals Board decides variances, and changes in nonconforming uses under this Section.

- (1) **Pre-application Meeting:** Upon the recommendation of the Zoning Official, or upon the request of the applicant, the applicant shall meet with the TRC prior to submitting an application. The purpose of the meeting is to discuss the proposal and to provide feedback regarding applicable standards and requirements.
- (2) **Formal Application Submittal:** The applicant shall submit an application meeting all of the applicable requirements of the UDO. All applications shall be submitted by the application deadline established by the City.
- (3) **Review by the TRC:** Upon receipt of an application, the Zoning Official shall forward the application to the TRC. The TRC shall review the application for completeness, and if the application is incomplete, shall advise the applicant of the deficiencies and inform the applicant that no further action will be taken on the application until all necessary and required information has been provided. If the application is deemed complete and the application fee has been paid, the TRC shall recommend to the Zoning Official that the City officially accept the application. Only complete applications will be forwarded by the TRC to the Appeals Board.
- (4) **Preparation of Staff Report:** The Zoning Official shall prepare a staff report providing an analysis of the proposal and a recommendation. The Zoning Official shall consider comments from the TRC in formulating his recommendation. The application and all supplemental information filed with the application shall be forwarded to the Appeals Board at least three (3) working days prior to the meeting at which the Board will consider the application. At said meeting, the Zoning Official shall present his report to the Appeals Board.
- (5) **Notice of Public Hearing before Appeals Board:** Upon determination that an application contains all the necessary and required information, the Zoning Official shall place the application on Appeals Board's agenda, and shall schedule a public hearing. Notice of the hearing shall be provided at least once in one or more newspapers of general circulation in the City. The notice shall be published at least five (5) days before the date of the hearing. The notice shall state the time and place of the hearing. If an application is tabled at the request of the applicant, or due to incompleteness of the application submitted by the applicant, and the public hearing postponed, the cost of mailing the required further notices shall be borne by the applicant.
- (6) **Notice to Property Owners of Public Hearing before Appeals Board:** Written notice of the public hearing shall be provided to all owners of property that are contiguous to the subject parcel or lot or that are across the street from it. The applicant shall provide to the Zoning Official a list (based upon the Warren County Auditor's current tax lists) of the owners of property that are contiguous to the subject parcel or that are across the street from it. Such notice shall be sent by the City via regular mail, at least seven (7) days before the date of the hearing, addressed to the owners appearing on the list provided by the applicant and as verified by City staff. If an application is tabled at the request of the applicant, or due to incompleteness of the application submitted by the applicant, and the public hearing postponed, the cost of mailing the required further notices shall be borne by the applicant.
- (7) **Action by the Appeals Board:** The Appeals Board shall consider the application at its formal public meeting. It may consider comments by staff as

appropriate, any presentation by the applicant(s), and comments by interested parties. The Appeals Board shall consider this information and render a decision at public meeting. The Appeals Board shall approve the application as submitted, approve the application subject to additional conditions and restrictions to which the owner has agreed, or deny an application. Its decision shall take effect immediately. Written notice of the Appeals Board's decision, including all conditions that may be associated with the decision, shall be transmitted to the applicant no later than ten

(10) days after the date the decision was rendered. The written notice shall also include the findings of facts the Appeals Board made in rendering its decision.

(f)(e) Administrative Appeals: This Section identifies the responsibility for hearing appeals and establishes the appeals process for decisions made by the Zoning Official or the City Engineer.

- (1) **Appeal of Administrative Action:** Any person adversely affected by any order, requirement, decision, or determination made by the Zoning Official, or City Engineer, as applicable, in the administration or enforcement of this UDO may appeal such order, requirement, decision or determination to the Appeals Board.

(2) **Submittal Requirements:**

- (A) *General Submittal Requirements:* The following general requirements shall apply:

- (i) An appeal application shall be on an application form provided by the City;
- (ii) The name(s), address(s), and telephone numbers of the applicant(s), and the property owner(s) if other than the applicant(s) with a notarized letter of authorization from the property owner;
- (iii) Legal Description of property or portion thereof;
- (iv) Payment of the application fee as established by section 1105.09; and
- (v) The Zoning Official may request additional supporting information that in his professional judgment is necessary to fully explain the applicant's proposal. The applicant shall supply the requested additional information.
- (vi) Only complete applications shall be processed by the City. The Zoning Official or the TRC, as appropriate, shall make determination as to completeness.

- (B) *Specific Submittal Requirements:* The Zoning Official shall attach to the application for Appeal all papers constituting the record upon which the action appealed from was taken.

- (3) **Appeals:** Notwithstanding any other provision of this UDO, the following outlines the appeals process and requirements for appeals to Appeals Board from an administrative decision by the Zoning Official or the City Engineer:

- (A) Such appeal shall be made within twenty (20) days from the date of the action appealed from, by filing a notice of appeal with the Zoning Official.

- (B) Upon the filing of the appeal, the Zoning Official shall give notice to the

applicant(s) of the date of the meeting at which Appeals Board will consider the appeal.

- (C) The Appeals Board shall hear the application and either grant or deny the requested appeal. Any party may appear in person or be represented by an agent or attorney. Written notice of Appeals Board's decision, including all conditions that may be associated with the decision, shall be transmitted to the applicant no later than ten (10) days after the date the decision was rendered. The written notice shall also include the findings of facts Appeals Board made in rendering its decision.
- (4) **Decision of Board:** The Appeals Board may, by a vote of at least four (4) members of the Board, and in conformity with this section, reverse or affirm, wholly or partly, or modify, the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end may have all powers of the officer from whom the appeal is taken.

Legislative Cover Memo

Introduction: January 3, 2022
Public Hearing: February 7, 2022
Effective Date: March 9, 2022

Agenda Item: **Ordinance 2022-02**
APPROVING THE MAJOR SUBDIVISION FINAL RECORD PLAN
FOR THE DOMINO'S FRANKLIN SUBDIVISION LOCATED AT
675 E. SECOND STREET

Submitted by: Barry Conway, City Engineer

Scope/Description: The Domino's Franklin Subdivision Final Record Plan is a combination of two lots into one lot containing 0.684 acres more or less. This Final Record Plan also dedicates 0.141 acres of right-of-way along E. Second Street and a storm sewer easement.

Southern Ohio Pizza, 64 West Eleanor Drive, Springboro, Ohio 45066 filed for this subdivision.

After holding a public hearing on the request, Planning Commission voted at its December 13, 2020 meeting, unanimously (7 - 0) to make a recommendation to Council to approve this Final Record Plan.

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: Copy of Final Record Plan

Recommendation: Staff would recommend approval of this Final Record Plan.

CITY OF FRANKLIN, OHIO
ORDINANCE 2022-02

**APPROVING THE MAJOR SUBDIVISION FINAL RECORD PLAN FOR THE DOMINO'S FRANKLIN SUBDIVISION LOCATED
AT 675 E. SECOND STREET**

WHEREAS, the Franklin City Planning Commission, at its December 13, 2021 regular meeting, voted unanimously (7-0) to make a recommendation to Council to approve the final record plan of the proposed subdivision submitted by Southern Ohio Pizza, Inc. in PC Case 21-14, for one lot located at 675 E. Second Street; and

WHEREAS, Section 4.12 of the Charter of the City of Franklin states in part:

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 limit set by ordinance.

WHEREAS, the Franklin City Planning Commission, at its December 13, 2021, regular meeting, considered the submission of a Major Subdivision Application and voted unanimously (7-0) making recommendation to Council to approve the Final Record Plan; and

WHEREAS, Section 4.13 of the Charter of the City of Franklin states:

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.

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

WHEREAS, notice of the public hearing has been properly and timely served by the Clerk of Council via regular mail upon property owners in compliance with Chapter 1115.06(f)(9); and

WHEREAS, the property owners have proposed to dedicate portions of the land therein to the City of Franklin for right-of-way and a storm sewer easement; and

WHEREAS, the procedures with regard to major subdivisions to the UDO, as set forth in Section 1115.06 of the UDO have been followed; and

WHEREAS, Section 4.12 of the Charter of the City of Franklin states in part:

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 of Council.

THE CITY OF FRANKLIN HEREBY ORDAINS:

☐ Section 1. Upon an affirmative vote of at least four (4) of the members of Council present, that the Planning Commission recommendation is **APPROVED**:

The Domino's Franklin Subdivision consisting of the one lot and the dedication of the Public Right-of Way and Easements as shown on the Final Plat as submitted by Southern Ohio Pizza, Inc., on behalf of Louis and Karen Metro Family LLC, the owners of record, in PC Case 21-14,

OR

☐ Section 1. Upon an affirmative vote of at least four (4) of the members of Council present, that the Planning Commission recommendation is **APPROVED WITH MODIFICATIONS**:

The Domino's Franklin Subdivision consisting of the one lot and the dedication of the Public Right-of Way and Easements as shown on the Final Plat as submitted by Southern Ohio Pizza, Inc., on behalf of Louis and Karen Metro Family LLC, the owners of record, in PC Case 21-14,

OR

☐ Section 1. Upon an affirmative vote of at least four (4) of the members of Council present, that the Planning Commission recommendation is **DENIED**.

Section 2. The Mayor, on behalf of Council, the City Manager, City Engineer, Clerk of Council and Law Director are hereby authorized to endorse the Record Plan and any other documentation necessary to record this subdivision approval with the Warren County Auditor and Warren County Recorder.

Section 3. Where Council has approved or approved with modifications in Section 1, all Ordinances or parts of ordinances that conflict with this ordinance are hereby repealed.

Section 4. It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action 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 Ordinance shall become effective on March 9, 2022.

INTRODUCED: January 3, 2022

ADOPTED: February 7, 2022

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
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 2022-02 passed by that body on February 7, 2022.

Khristi Dunn, Clerk of Council

Approved as to form: _____
Ben Yoder, Law Director

ALLEY (10')

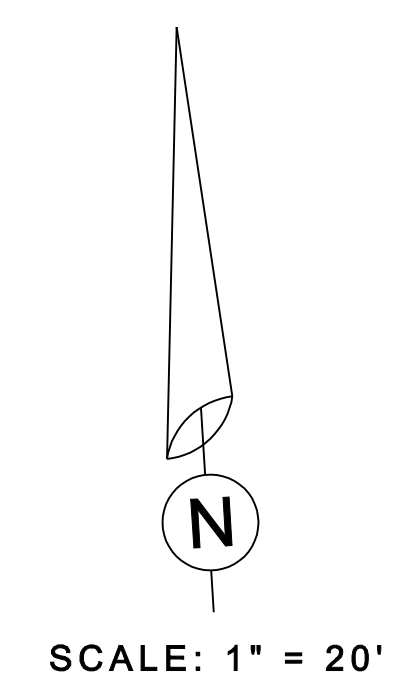
ALLEY (20')

CHARLES AVE. (50')
(FORMERLY HIGHLAND AVE.)
P.B. 2, PG. 297

JOHN BARNES SUBDIVISION
P.B. 2, PG. 295

RECORD PLAN
DOMINOS FRANKLIN SUBDIVISION
SECTION 26, TOWN 2, RANGE 5, NORTH
FRANKLIN TOWNSHIP
CITY OF FRANKLIN, WARREN COUNTY, OHIO
CONTAINING: 0.825 AC.
DECEMBER, 2021

0.684 Ac. (LOT)
0.141 (R/W DEDICATION)
0.825 (TOTAL)



OCCUPATION STATEMENT:
NO PHYSICAL LINES OF OCCUPATION FOUND OTHER THAN MONUMENTATION SHOWN.

BASIS OF BEARING:
BEARINGS ARE BASED UPON THE EAST RIGHT-OF-WAY LINE OF CHARLES AVENUE (FORMERLY HIGHLAND AVE.) BEING SOUTH 04° 25'00" EAST AS SHOWN ON THE ROSE ELLISON SUBDIVISION AS RECORDED IN P.B. 2, PAGE 297 OF THE PLAT RECORDS OF WARREN COUNTY, OHIO.

- NOTES:
- ALL MONUMENTS FOUND IN GOOD CONDITION UNLESS NOTED
 - RIGHTS-OF-WAY AND EASEMENTS SHOWN ARE FROM WAR. 73-2-79-3-45 PLANS

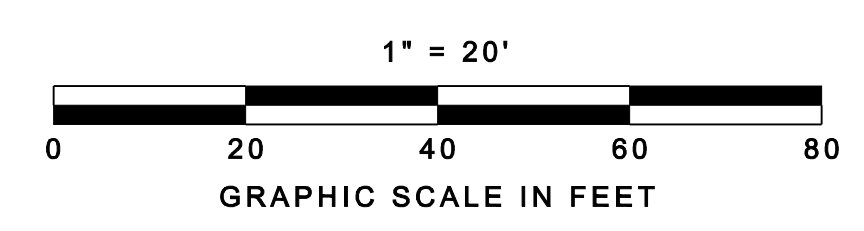
- LEGEND:
- 5/8" IRON PIN (FOUND)
 - IRON PIPE (FOUND)
 - ✕ P.K. NAIL (FOUND)
 - CONC. MONUMENT W/ IRON PIPE (FOUND)
 - 5/8" IRON PIN (SET)
 - ✕ MAG NAIL (SET)
 - ☒ MONUMENT BOX (FOUND)
 - * CALCULATED POINT (NO MONUMENT FOUND OR SET)
 - 200.06' MEASURED DISTANCE
 - (200.00') RECORDED DISTANCE (IF DIFFERENT FROM MEASURED)

COUNTY AUDITOR:
TRANSFERRED ON THIS ____ DAY OF _____, 2021.

DEPUTY _____ AUDITOR _____

COUNTY RECORDER:
RECORDED IN WARREN COUNTY RECORDER'S OFFICE
RECEIVED ON THIS ____ DAY OF _____, 2021 AT ____ M.

RECORDED IN PLAT BOOK _____, PAGE _____
FEE _____
BY: _____
DEPUTY _____ RECORDER _____



DEED REFERENCE:
SITUATED IN SECTION 26, TOWN 2, RANGE 5, NORTH, FRANKLIN TOWNSHIP, CITY OF FRANKLIN, WARREN COUNTY, OHIO, CONTAINING 0.825 ACRES, AND BEING ALL OF A 0.509 ACRE PARCEL (PARCEL ONE) AND ALL OF A 0.319 ACRE PARCEL (PARCEL TWO) AS CONVEYED TO LOUIS & KAREN METRO FAMILY LLC BY DEED RECORDED IN D.N. 2021-038083 OF THE DEED RECORDS OF WARREN COUNTY, OHIO.

DEDICATION:
WE, THE UNDERSIGNED, BEING ALL THE OWNERS AND LIEN HOLDERS OF THE LANDS HEREIN PLATTED DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF SAID RECORD PLAN, DEDICATE THE STREETS AND EASEMENTS TO THE PUBLIC USE FOREVER. THE EASEMENTS SHOWN ON THIS RECORD PLAN, UNLESS DESIGNATED FOR A SPECIFIC PURPOSE, ARE FOR THE CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, REPLACEMENT, OR REMOVAL OF WATER, SEWER, GAS, ELECTRIC, TELEPHONE, CABLE TELEVISION, OR OTHER UTILITY LINES OR SERVICES, STORM WATER DISPOSAL, AND FOR THE EXPRESS PRIVILEGE OF CUTTING, TRIMMING OR REMOVING ANY AND ALL TREES OR OTHER OBSTRUCTIONS WITHIN SAID EASEMENT, OR IMMEDIATELY ADJACENT THERETO, TO THE FREE USE OF SAID EASEMENTS OR ADJACENT STREETS AND FOR PROVIDING INGRESS AND EGRESS TO THE PROPERTY FOR SAID PURPOSES AND ARE TO BE MAINTAINED AS SUCH FOREVER. NO BUILDINGS OR OTHER STRUCTURES MAY BE BUILT WITHIN SAID EASEMENTS, NOR MAY THE EASEMENT AREA BE PHYSICALLY ALTERED SO AS TO (1) REDUCE CLEARANCES OF OVERHEAD OR UNDERGROUND FACILITIES; (2) IMPAIR THE LAND SUPPORT OF SAID FACILITIES; (3) IMPAIR ABILITY TO MAINTAIN THE FACILITIES OR (4) CREATE A HAZARD. THE DEDICATED PUBLIC UTILITY EASEMENTS ARE FOR THE BENEFIT OF ALL PUBLIC UTILITY SERVICE PROVIDERS INCLUDING, BUT NOT LIMITED TO, THE CITY OF FRANKLIN, CINCINNATI GAS AND ELECTRIC, AMERITECH, CATV, AND ANY OTHER PUBLIC UTILITY.

OWNER: LOUIS AND KAREN METRO FAMILY LLC

LOUIS C. METRO MANAGING MEMBER	WITNESS	WITNESS
PRINT NAME	PRINT NAME	PRINT NAME

BE IT REMEMBERED, THAT ON THIS ____ DAY OF _____, 2021, BEFORE ME, THE UNDERSIGNED A NOTARY PUBLIC FOR THE SAID COUNTY AND STATE, PERSONALLY CAME LOUIS AND KAREN METRO FAMILY LLC BY LOUIS C. METRO, ITS MANAGING MEMBER, WHO ACKNOWLEDGED THE SIGNING AND EXECUTION OF THE FOREGOING PLAT TO BE THEIR VOLUNTARY ACT AND DEED.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND, AND AFFIXED MY OFFICIAL SEAL ON THE DAY AND DATE ABOVE WRITTEN.

NOTARY
MY COMMISSION EXPIRES: _____

OWNERS STATEMENT:
LOUIS C. METRO BEING DULY SWORN SAY THAT ALL PARTIES TO THE BEST OF HIS/HER KNOWLEDGE, INTERESTED IN THIS REPLAT EITHER AS OWNER OR LIENHOLDER, HAVE UNITED IN ITS EXECUTION.

LOUIS C. METRO MANAGING MEMBER _____ DATE: _____

IN TESTIMONY WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL ON THE DAY AND DATE ABOVE WRITTEN.

NOTARY PUBLIC IN AND FOR THE STATE OF OHIO

PRINT NAME _____
MY COMMISSION EXPIRES: _____

CITY OF FRANKLIN PLANNING:
APPROVED BY THE PLANNING COMMISSION OF THE MUNICIPALITY OF FRANKLIN THIS ____ DAY OF _____, 2021.

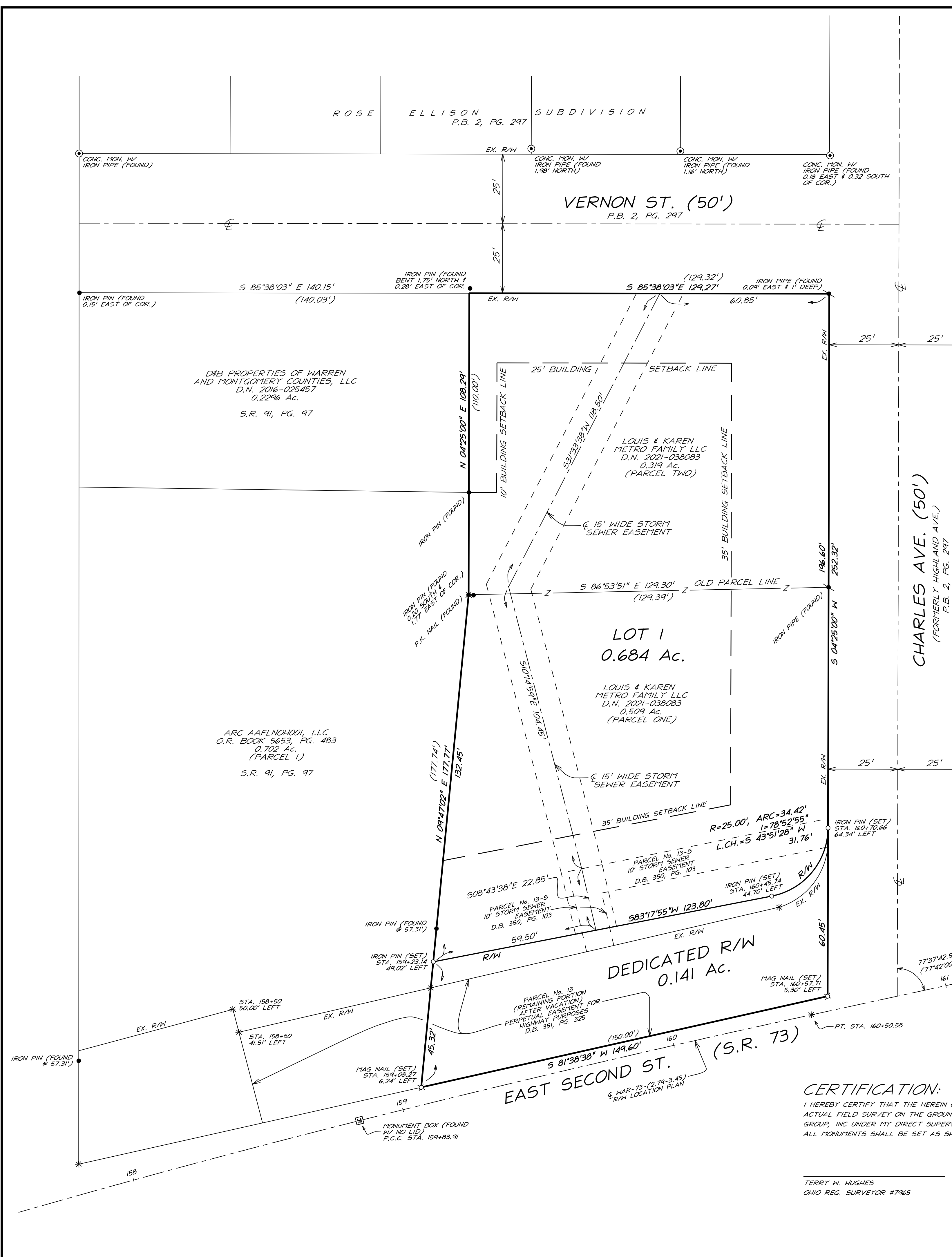
CHAIRMAN _____

CITY COUNCIL:
APPROVED BY COUNCIL AND THE MUNICIPALITY OF FRANKLIN THIS ____ DAY OF _____, 2021.

CLERK OF COUNCIL _____ MAYOR _____

CITY MANAGER:
CITY MANAGER _____ DATE _____

CITY ENGINEER:
CITY ENGINEER _____ DATE _____



CERTIFICATION:
I HEREBY CERTIFY THAT THE HEREIN CONTAINED PLAT IS BASED UPON AN ACTUAL FIELD SURVEY ON THE GROUND MADE BY BUCKEYE SURVEYING GROUP, INC. UNDER MY DIRECT SUPERVISION IN NOVEMBER, 2020, AND THAT ALL MONUMENTS SHALL BE SET AS SHOWN.

TERRY W. HUGHES
OHIO REG. SURVEYOR #7965



933 COTTONWOOD ROAD
DAYTON, OHIO 45419
Phone 937-293-8166
Fax 937-294-1522
www.BuckeyeSurveyingGroup.com

RECORD PLAN
DOMINOS FRANKLIN SUBDIVISION
0.825 Acres
Section 26, Town 2, Range 5, North
Franklin Township
City of Franklin-Warren County, Ohio

SCALE: 1" = 20'	DATE: NOV. 2021
PROJ. No. 20-0612	SHEET No. 1 of 1

Legislative Cover Memo

Introduction: January 3, 2022
Public Hearing: February 7, 2022
Effective Date: February 7, 2022

Agenda Item: **Ordinance 2022-03**
INITIATING CERTAIN AMENDMENTS TO SECTIONS 3.03, 3.07, 3.10, 4.03, 4.11, 5.05, 8.06, 10.02, 11.06, 11.09 AND 11.10 OF THE CITY OF FRANKLIN, OHIO CHARTER AND DIRECTING THE CLERK OF COUNCIL TO CERTIFY THE SAME TO THE WARREN COUNTY BOARD OF ELECTIONS FOR PLACEMENT OF THE QUESTION OF THE CHARTER AMENDMENTS UPON THE MAY 3, 2022 PRIMARY ELECTION BALLOT TO BE SUBMITTED TO THE CITY'S ELECTORS FOR FINAL REVIEW AND APPROVAL

Submitted by: Law Director

Scope/Description: In accordance with Section 7.04 of the City of Franklin Charter, the City appointed six (6) individuals to the City of Franklin Charter Review Commission on May 17, 2021. The Charter Review Commission met multiple times throughout 2021 to review the City Charter and discuss revisions to the same. The Law Director presented to City Council the final set of Charter amendments proposed by the Charter Review Commission during public meetings held on November 15, 2021 and December 6, 2021. City Council selected a number of the proposed amendments to be submitted to the City's electors for final review and approval (attached as an exhibit to this Ordinance). If Council passes this Ordinance, the selected Charter amendments will be submitted to the City's electors as part of the May 3, 2022 Primary Election ballot for final review and approval/disapproval.

Exhibits: Exhibit A: Proposed Charter Amendments

Vote Required for Passage: Per sections 11.09 and 12.05 of the City's Charter, and Article XVIII of the Ohio Constitution, the passage of this Ordinance requires the affirmative vote of at least five (5) members of Council.

CITY OF FRANKLIN, OHIO
ORDINANCE 2022-03

INITIATING CERTAIN AMENDMENTS TO SECTIONS 3.03, 3.07, 3.10, 4.03, 4.11, 5.05, 8.06, 10.02, 11.06, 11.09 AND 11.10 OF THE CITY OF FRANKLIN, OHIO CHARTER AND DIRECTING THE CLERK OF COUNCIL TO CERTIFY THE SAME TO THE WARREN COUNTY BOARD OF ELECTIONS FOR PLACEMENT OF THE QUESTION OF THE CHARTER AMENDMENTS UPON THE MAY 3, 2022 PRIMARY ELECTION BALLOT TO BE SUBMITTED TO THE CITY'S ELECTORS FOR FINAL REVIEW AND APPROVAL

WHEREAS, the Charter of the City of Franklin, Ohio was originally adopted on June 7, 1983;

WHEREAS, pursuant to Section 7.04 of the Charter, the City Council of the City of Franklin is required to appoint a Charter Review Commission, consisting of at least five (5) members, a minimum of every five (5) years to review the Charter and recommend to Council alterations, revisions and amendments to the same, as the Commission deems appropriate;

WHEREAS, in accordance with Section 7.04 of the Charter, City Council passed Resolution 2021-40 on May 17, 2021, thereby appointing six (6) individuals to the Charter Review Commission;

WHEREAS, the Charter Review Commission held multiple public meetings throughout the course of 2021, during which the Commission and the City of Franklin Law Director reviewed the current Charter and discussed revisions to the same;

WHEREAS, the Law Director presented to, and discussed with, City Council the final set of proposed revisions to the Charter which resulted from the Charter Review Commission's review of the Charter during public meetings held on November 15, 2021 and December 6, 2021;

WHEREAS, City Council reviewed all recommended revisions to the Charter and selected certain amendments to Sections 3.03, 3.07, 3.10, 4.03, 4.11, 5.05, 8.06, 10.02, 11.06, 11.09 and 11.10 of the Charter, as set forth in "Exhibit A" to this Ordinance and made a part hereof, to be placed on the May 3, 2022 election ballot and submitted to the electors of the City of Franklin for final review and approval.

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

Section 1. The question of amending Sections 3.03, 3.07, 3.10, 4.03, 4.11, 5.05, 8.06, 10.02, 11.06, 11.09 and 11.10 of the Charter of the City of Franklin, Ohio, as set forth in "Exhibit A" to this Ordinance, (collectively, the "Charter Amendments"), shall be submitted to the electors of the City of Franklin, Ohio for final review and approval as part of the May 3, 2022 Primary Election ballot.

Section 2. The City of Franklin Clerk of Council is hereby directed to certify this Ordinance to the Warren County Board of Elections with instructions that the Board of Elections place the question of the Charter Amendments on the May 3, 2022 election ballot, and submit the same to the City's electors, in conformance with all applicable State and local election laws.

Section 3. The Clerk of Council is hereby directed to give notice to the public of the proposed Charter Amendments in accordance with Article XVIII, § 9 of the Ohio Constitution and Ohio Revised Code 731.211 by either: (i) publishing the full text of the Charter Amendments once a week for not less than two (2) consecutive weeks in a newspaper of general circulation within the City, with the first publication being at least fifteen (15) days prior to the May 3, 2022 election; or (ii)

mailing a copy of the Charter Amendments to each elector whose name appears upon the poll or registration books of the last regular or general election held within the City, not less than thirty (30) days prior to the May 3, 2022 election.

Section 4. The City of Franklin Law Director is hereby directed to cooperate and make such arrangements with the Warren County Board of Elections as necessary to give proper notice of the election on the Charter Amendments to the City's electors, and ensure the substance of the Charter Amendments is properly set forth on the May 3, 2022 election ballot in accordance with all applicable State and local laws.

Section 5. 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 6. This Ordinance shall be in full force and effect from and after the earliest date provided by law.

INTRODUCED: January 3, 2022

ADOPTED: February 7, 2022

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 2022-03 passed by that body on February 7, 2022.

Khristi Dunn, Clerk of Council

APPROVED AS TO FORM:

_____ Law Director

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

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.

(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 ordinance or resolution, the rates of charges made of 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 Council. (Ord 17-17, 11-17-17; passed by electorate 11-17-17, eff. 1-1-18)~~

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

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

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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.

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 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 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.

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3.10 INDEPENDENT AUDIT.

The Council shall provide for ~~an~~ independent ~~biannual~~ audits of all City accounts as required by Ohio law and may provide for more frequent audits as it deems necessary. Such audits shall be made by a certified 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 (3) 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.~~

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4.03 PASSAGE OF ORDINANCES.

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 Manager, shall file one copy in the office of the Clerk of Council, shall make copies available to interested parties, and 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 by Council).~~ in the manner prescribed by Council.

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 interested shall have an opportunity to be heard. 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, as determined by Council, in its sole discretion, and upon a majority vote of the members of Council who are present, the ordinance may not be voted upon until the ordinance has been subjected to all the procedures herein before required in the case of a newly introduced ordinance. 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.)

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4.11 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, recodified, rearranged, and published in book form. Such revision, codification, recodification, 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, recodification, 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, recodification, 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 A copy of such 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. may 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.

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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, provided that:

(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.
(Resolution 2002-54, 8-19-02; passed by electorate 11-5-02, effective 1-1-03) (Ord.2017-15, 7-17-17; passed by electorate 11-7-17, eff. 1-1-18)

(b) Modifications and changes to contracts awarded under competitive bidding, where such modification and change are in excess of fifty percent (50%) of the amount specified in ~~§5.05 (a)~~ section 5.05(a), shall first be authorized by ordinance or resolution.

(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.)

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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.

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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 shall be a legally registered voter of the City. Such petition shall be accompanied by a declaration of candidacy and shall be filed with the election authorities not later than ~~seventy-five (75)~~ **ninety (90)** 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)

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11.06 ACTION ON PETITIONS; INITIATIVE AND REFERENDUM.

(a) At any time after an initiative petition has been filed with the City Clerk, the 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 shall so notify the Board of Elections and the proposed ordinance or resolution shall not be submitted to a vote of the electors.

(b) At any time after referendum petition has been filed with the City Clerk, the 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 referendum petition is found to be insufficient by the City Clerk, the City Clerk shall so notify the Board of Elections and the proposed ordinance or resolution shall not be submitted to a vote of the electors.

(c) Submission to Electors. The vote of the electors on a proposed or referred ordinance, resolution or issue shall be held not less than ~~seventy-five (75)~~ **ninety (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 such regular election.

(d) Withdrawal of Petitions. An initiative or referendum petition may be withdrawn at any time by filing with the City Clerk 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 shall certify such withdrawal of petitions and the termination of the proceedings under such petitions to the appropriate Board of Elections.

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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)~~ **ninety (90)** 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)~~ **ninety (90)** 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~~ **the manner prescribed** 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 affirmatively 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.

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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 therefore 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 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)~~ **ninety (90)** days nor more than ~~seventy-five (75)~~ **one hundred twenty (120)** 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 **the manner prescribed** 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.