

**FRANKLIN CITY COUNCIL
MARCH 1, 2010**

Members of the Franklin City Council met in regular session on Monday, March 1, 2010, 6:00 p.m. at the Franklin Municipal Building, Mayor Carl Bray presiding.

Roll call showed:

Scott Lipps	present
Jason Faulkner	present
Bob Knipper	present
Carl Bray	present
Denny Centers	present
Michael Aldridge	present
Todd Hall	present

There were 8 visitors and no one from the press at tonight's meeting. Also present: Mr. Jonathan Westendorf, Fire Chief; Mr. Gordon Ellis, Police Chief; Mr. Sonny Lewis, Public Works Director; Mr. Don Woods, Chief Building Official; Ms. Sandra Morgan, Acting Finance Director; Ms. Donnette Fisher, Law Director; Mr. Jim Lukas, City Manager and Mrs. Jane McGee, Clerk of Council.

The Pledge of Allegiance was led by Sheriff Sims.

Mr. Centers made the motion to approve the Clerk's Journal and accepting the tapes as the official minutes of the February 1, 2010 meeting; seconded by Mr. Aldridge. The vote:

Mr. Faulkner	yes
Mr. Knipper	yes
Mr. Bray	yes
Mr. Centers	yes
Mr. Aldridge	yes
Mr. Hall	yes
Mr. Lipps	yes

Motion passed.

RECEPTION OF VISITORS

Marty Heide, Warren County Outreach with Congressman Turner's Office, presented the following public service announcements:

1. Military Service Academy Day – April 17, 2010 at Springboro High School – everyone is invited and information about all 5 service academies will be available. This is hosted by Congressman Turner.
2. Congressional Art Competition – area high schools are invited to compete; reception May 9 at the Dayton Art Institute; art work will be displayed at the Dayton Art Institute; scholarships opportunities are available and the winner receives a trip to Washington DC and their art work is displayed at the U.S. Capital Building. Please call Congressman

Turner's Dayton office for information about the competition. Received about 300 entries last year.

Mayor Bray asked if anyone from Franklin & how many participated from northern Warren County. Ms. Heide stated Franklin did not participate, Springboro participated 2 years ago, last year there were 6 or 7 entries from Waynesville and Lebanon & Turtlecreek Township also had entries. Information was sent in January to the area high schools and we follow-up with letters & phone calls.

John Lamb, Beal Road, Franklin, stated he was representing the Thunder on the River event. He thanked Council for their support last year. We raised over \$700 and it was given to the local food pantry. He also thanked all the City departments that helped.

We want to do the event again this year – scheduled for October 2nd, if possible.

Mr. Centers asked about maybe changing the date as the weather was bad last year. Mr. Lamb stated there haven't been any discussions on the date, like to have the event again this year in October – this is the weekend before the hill climbs.

Mr. Lipps stated that there was a Finance Committee earlier today and we have this on our list to consider.

PRESENTATION: WARREN COUNTY SHERIFF LARRY SIMS

Warren County Sheriff Larry Sims addressed Council with an update on his agency for the past year and noted the following:

- calls for service in 2008 – 67,000; in 2009- 84,900; property thefts & thefts in general
- 10% increase in detective cases; 516 to 593 cases; 2 investigators dedicated to child abuse cases, an additional 71 cases; includes managing & registering sex offenders 397 in 2008; 521 in 2009; will likely increase as they are released from jail; there is a link on the website to see the list of where they live
- since 2004 issued 4780 carry & conceal permits; issued 1790 in 2009
- mentioned several cases of interest: house break-ins, arrested 3 different groups, solving up to 43 burglaries; assisted Franklin in craigslist's prostitutes (also Deerfield Township), charged 20 different prostitutes; Turtlecreek Flea Market, vendors selling counterfeit items, arrested 2 individuals selling \$50,000 of stolen power tools; \$50,000 embezzlement from Homeowners Association arrest made; bad robbery at GameStop in Deerfield Township; in November, 3 deputy's involved in domestic violation incidents
- jail situation, court security services have increased, average 256 inmates a day, jail holds 197 inmates; 4975 transports in 2008, 7536 transports in 2009, 2500 of those were moving inmates back & forth between Butler County; asking to increase jail occupancy an additional 63 inmates saving \$1.2 million dollars that is paid to Butler County for transports
- foreclosures continue to climb just under 1300 in 2008, 1543 in 2009
- fiscal responsibility - County asked the department to take 5% cut and to ask union for concessions; refused to ask the union to do this, but did cut budget by 5%, been taking conservative approach to budget and saved more than the 5% in 2009

- Drug Task Force – Franklin officers have been involved and the Police Chief is on the board. In 2009 made 130 felony arrests, \$4.1 million seized in street drugs
- provide DARE to area schools, including Franklin High School
- home land security issues – we remain on top of
- have 2 new canines, tax payers did not pay for
- web site updated
- Honor Guard is available for special events

Mr. Faulkner thanked Sheriff Sims for coming tonight. He asked about calls for service – with the noted increase in 2009, do they all go thru the Warren County Dispatch Service & do you know how they handled that increase (increase staff, etc). Sheriff Sims stated yes, all calls go thru the WC Dispatch Service and that he hasn't kept up with the changes/training to that department, believe that they have added staff – think current staff is okay and that he works with the Advisory Board on any issues.

Mayor Bray thanked Sheriff Sims for coming.

Mr. Aldridge asked where the additional inmates will go. Sheriff Sims stated there are areas that can be double bunked – is room to do and that the State has to approve.

Chief Ellis stated that we work very closely with the Sheriff's Department; that they have always been very supportive; we participate in the training held by the Sheriff's Department; have a very good relationship and appreciate what you do.

**PUBLIC HEARING ORDINANCE 2010-03 ENACTING CHAPTER 139 OF THE
 CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO, TITLED "INDIGENT
 BURIAL POLICY"**

Ms. Fisher stated that the City has the duty to pay for indigent burial of City residents. This establishes a policy defining indigent and that it will be by cremation. The area funeral homes have been using this as a supplement to their costs – been a lot of issues this past year.

Mayor Bray opened the public hearing and asked for any public comments. There being none, he closed the Public Hearing and asked for Council Comments. There were none.

Mr. Hall made the motion to adopt Ordinance 2010-03; seconded by Mr. Knipper. The vote:

- Mr. Knipper yes
- Mr. Bray yes
- Mr. Centers yes
- Mr. Aldridge yes
- Mr. Hall yes
- Mr. Lipps yes
- Mr. Faulkner yes

Motion passed.

PUBLIC HEARING ORDINANCE 2010-04 GRANTING A PERMANENT EASEMENT TO THE MIAMI CONSERVANCY DISTRICT FOR THE PURPOSES OF CONSTRUCTING AND MAINTAINING A LEVEE

Mr. Lukas stated that MCD did a study on the levee and determined that a levee needs to be constructed on City owned property near Main St./SR73/Dixie Highway intersection per FEMA. This grants the levee easement and they agree to waive any future land use permits for the City.

Mayor Bray opened the Public Hearing and asked for any public comments. There being none, he closed the Public Hearing and asked for Council Comments. There were none.

Mr. Centers made the motion to adopt Ordinance 2010-04; seconded by Mr. Aldridge. The vote:

Mr. Bray yes
Mr. Centers yes
Mr. Aldridge yes
Mr. Hall yes
Mr. Lipps yes
Mr. Faulkner yes
Mr. Knipper yes

Motion passed.

PUBLIC HEARING ORDINANCE 2010-05 AMENDING SECTIONS 1107.01, 1107.03, 1107.04 AND 1115.08 OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE

Ms. Fisher stated that in working on the new zoning map, Planning Commission has found several items that need to be amended:

- Create a new zoning district O-S, Office Service District
- In C-2, Community Commercial, change gas stations to a conditional use from a prohibited use
- To clarify some confusion in the Site Plan Code, defined "Alteration of Structure" and "Change in Use"

The Planning Commission has reviewed and unanimously voted to recommend these changes to Council.

Mayor Bray stated this clarifies some items and will be better for our town.

Ms. Fisher added that she hopes the Planning Commission approves the zoning map at their next meeting.

Mayor Bray opened the Public Hearing and asked for any public comments. There being none, he closed the Public Hearing and asked for Council Comments. There were none.

Mr. Hall made the motion to adopt Ordinance 2010-05; seconded by Mr. Knipper. The vote:

Mr. Centers yes
Mr. Aldridge yes
Mr. Hall yes

Mr. Lipps abstain
Mr. Faulkner yes
Mr. Knipper yes
Mr. Bray yes

Motion passed.

**RESOLUTION 2010-10 AWARDING THE BID AND AUTHORIZING THE
EXECUTION OF THE CONTRACT WITH C.G. CONSTRUCTION AND UTILITIES, FOR
THE COMMERCE CENTER DRIVE SANITARY SEWER EXTENSION PROJECT**

Mr. Lewis stated that this project is to extend the sewer from Commerce Center Drive to the land NW of Burrows Paper. This will provide sewer for the new Hardy's Diagnostics project and also open up additional land. Nineteen bids were received; the low bidder is C.G. Construction from Miamisburg; have talked with other contractors who know of them & received good reviews.

Mr. Lipps noted that all 19 bids were below the engineer's estimate.

Mr. Lewis added that they have done work for Preble County, Fairborn, Springboro & ATS Engineering and they all said they would have them do work for them again.

There was some discussion on the engineer's estimate and that we are required to have an engineer's estimate.

Mr. Lewis stated he doesn't foresee any problems with the company and that money is budgeted for the project.

Mr. Centers asked if there are any other projects to use the money on since the project cost is below the estimate. Mr. Lewis stated we are going to add to the sewer relining project across the river and also have another line in town that needs relined.

Mr. Centers asked if anything can be done to prevent water lines from breaking. Mr. Lewis stated that January has been a bad month for water line breaks; there is one road that needs the water line replaced and it needs paved; going to start putting money aside for this; feel the demand is wearing the main down in the Virginia Ave. area.

Mr. Hall made the motion to adopt Resolution 2010-10; seconded by Mr. Knipper. The vote:

Mr. Aldridge yes
Mr. Hall yes
Mr. Lipps yes
Mr. Faulkner yes
Mr. Knipper yes
Mr. Bray yes
Mr. Centers yes

Motion passed.

CITY MANAGER'S REPORT

Mr. Lukas reported on the following:

- Working with Springboro & ODOT on the 3rd lane on the exit lane; conference call next week
- Introduced Mr. Don Woods to give an update on the NSP program. Mr. Woods stated in 2008 Warren County was notified they would received Neighborhood Stabilization Program funds; \$700,000 granted to cure the foreclosure problem; City of Lebanon & Franklin agreed that Warren County would be the lead agency; almost ready to demolish 7 structures in the City; Village of South Lebanon was the guinea pig for the program & have demolished 3 structures; Lebanon has 5 structures to demolish; hopefully will be done by the end of June.

Mr. Centers asked if the City has any financial obligations. Mr. Woods stated no. Mr. Bray asked if the 7 structures are vacant. Mr. Woods stated yes. Mr. Aldridge asked if the house on 4th Street, by the library is condemned. Mr. Woods stated no. Mr. Lipps stated that the fire department needs to assist in the demolition for training purposes.

LAW DIRECTOR'S REPORT

Ms. Fisher reported on the following:

- Referred to the memo in the packet in regards to proposed changes to the income tax code. The Finance Committee has been talking about this since November; \$320,000 outstanding taxes; problems getting the Court to help collect the money; Finance Committee minutes included for background information.

Mayor Bray stated that the Finance Committee has been talking about this; the money is not being collected, so we started looking at what we could do.

Mr. Centers asked about the Court using outside help in collecting money. Ms. Fisher stated that they have used a collection agency to go after court fines.

Ms. Fisher explained the problem: tax administrator sends case to court; they are found guilty and told to make payments with the tax department; they make payment arrangements but don't pay anything; when we try to take them back to Court, the Court says they paid their Court costs and the case has been closed. When taken to Small Claims Court & get a judgment, next step is a debtor's exam, they don't show up for this and the Court doesn't do anything. Charging them criminally is in limbo. The Finance Committee asked for help – this is a rewrite of the tax ordinance to give direction to court on fines, mirrors state law.

There was discussion that we don't want to send people to jail; need to do something about the uncollected monies; possibility of garnishing wages, debtor's exam has to be done; garnishing tax refunds; have talked with the Court Magistrate and he has helped, criminally, nothing being done.

Ms. Fisher stated direction is needed on how to proceed.

Ms. Morgan added that the \$320,000 deficient has tripled in the past 4 years; the Utility Department hasn't seen this increase; and we are very lenient in making payment plans.

Mayor Bray stated to proceed with introduction of legislation at the next Council meeting.

Ms. Fisher added that an executive session is needed.

COUNCIL COMMENTS

Comments tonight: Thanks to Lori Raleigh for attending tonight; thanks to all for attending tonight; compliments received on recent snow removal by Service Department employees; good comments received about the Police & Fire departments, please pass on; increased dispatch calls for City, any insight why (Chief Gordon explained Phase 2 of 911 has come on-line, calls now go to nearest 911 tower); can anything be done about number of drug crimes in City; thanks for the budget document; 2nd Street/Millard Drive accident, resident claimed light changes quickly from red to green; the lady downtown that didn't do the work she said she would do, we need something in place so that doesn't happen again (Downtown Improvement Program) (Ms. Fisher stated we now have an agreement in place that has to be signed); issue with the sign at the American Legion, they have a temporary sign that isn't allowed (temporary signs aren't allowed per the code), is there anything we can do to help them with this situation, question if we are business friendly, need to work with them (explained sign needs to be permanent); thanks to Shane Centers for coming tonight; blue house, parking in yard, looks bad; and Mayor Bray thanked Ms. Raleigh for coming tonight; need to get the art contest information out to the schools (Ms. Raleigh stated the schools has received the info and the schools don't participate because of the timing/testing during these months and that they do have art work that hangs at the Dayton Art Insitutie); and received an email offering consultanting services from JW Warner Consultant Services.

Mr. Knipper made the motion to enter into executive session to discuss union negotiations; seconded by Mr. Hall. The vote:

Mr. Hall	yes
Mr. Lipps	no
Mr. Faulkner	yes
Mr. Knipper	yes
Mr. Bray	yes
Mr. Centers	yes
Mr. Aldridge	yes

Motion passed.

At 7:35 p.m., Mayor Bray and members of Council entered into executive session to discuss union negotiations. Mayor Bray later reconvened and adjourned the meeting.

Mayor

Clerk of Council