

**FRANKLIN CITY COUNCIL
JUNE 7, 2010**

Members of the Franklin City Council met in regular session on Monday, June 7, 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	absent
Michael Aldridge	present
Todd Hall	present

There were 10 visitors and no one from the press at tonight's meeting. Also present: Ms. Sandra Morgan, Acting Finance Director; Ms. Donnette Fisher, Law Director; Mr. Sonny Lewis, Public Works Director; Mr. Jonathan Westendorf, Fire Chief; Mr. Bob Rockwood, Safety Director; Mr. Ross Coulton, Police Captain; Mr. Jim Lukas, City Manager and Mrs. Jane McGee, Clerk of Council.

The Pledge of Allegiance was led by Mr. Nick Sweeny.

Mr. Aldridge made the motion to approve the Clerk's Journal and accepting the tapes as the official minutes of the May 17, 2010 Meeting; seconded by Mr. Hall. The vote:

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

Motion passed.

RECEPTION OF VISITORS

Kenneth Scarce, 4120 Beal Road for 30 years, stated he is speaking on behalf of Julia Scarce, 4643 Beal Road who has lived there since 1954. He stated in all the years we've lived there, I don't recall one instance where she ever stepped a foot on anyone else's property; hasn't gone along the property line cutting down growth, shrub & cover that provided natural barrier to the adjoining property; or take a mower onto the neighbors property and mow up to a quarter acre regularly; ever move surveyors property line stakes; drive a pick-up truck loaded with debris and limbs along with a second truck thru the neighbors property to be dumped at another site of the neighbors property. The past couple of years all of these things have been done to her; the

people are here tonight and before she leaves tonight, they should apologize to her. Mayor Bray stated this item is on the agenda “Discussion High Grass Regulations” and will be discussed then.

PUBLIC HEARING ORDINANCE 2010-12 ENACTING AND ADOPTING THE 2009 SUPPLEMENT TO THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO

Mrs. McGee stated that this is a housekeeping item to update the Codified Ordinances as required by the Charter. Ms. Fisher has reviewed the state changes. This includes legislation passed thru July 6, 2009 and State Legislation thru July 14, 2009. The new UDO (Unified Development Ordinance) is included in this update along with the last Charter changes. Ms. Fisher stated that the Traffic & General Offenses Codes (state law), were also cleaned up.

Mayor Bray asked for any Council comments. There were none.

Mr. Faulkner made the motion to adopt Ordinance 2010-12; seconded by Mr. Aldridge. The vote:

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

Motion passed.

RESOLUTION 2010-22 AUTHORIZING THE CITY MANAGER TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S), AND TO EXECUTE CONTRACTS, AS REQUIRED, FOR PROGRAM YEAR 2013 (PY'27), STADIA DRIVE & SKOKIAAN DRIVE IMPROVEMENTS PROJECT

Mr. Lukas stated the next 4 resolutions are related – Issue II pre-applications for the year 2013. This resolution is for the Stadia Drive & Skokiaan Drive Improvements.

Project cost:	\$127,100
Local share (31%)	\$ 39,401

He explained the ranking system and that the higher the local share, the more points you receive for the project. The local share for this project is 31% as this isn't a priority project. The other pre-applications have a 51% local share so to obtain the additional points.

Mr. Hall made the motion to adopt Resolution 2010-22; seconded by Mr. Aldridge. The vote:

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

Motion passed.

RESOLUTION 2010-23 AUTHORIZING THE CITY MANAGER TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S), AND TO EXECUTE CONTRACTS, AS REQUIRED, FOR PROGRAM YEAR 2013 (PY'27), MAIN STREET IMPROVEMENTS, SECOND TO NORTH RIVER PROJECT

Mr. Lukas stated that this pre-application is for the Main Street Improvements, Second to North River Street. This is a priority project with the local share at 51%.

Project cost: \$333,180
Local share (51%): \$169,922

Mr. Knipper made the motion to adopt Resolution 2010-23; seconded by Mr. Faulkner. The vote:

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

Motion passed.

RESOLUTION 2010-24 AUTHORIZING THE CITY MANAGER TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S), AND TO EXECUTE CONTRACTS, AS REQUIRED, FOR PROGRAM YEAR 2013 (PY'27), WILLIAM C. GOOD BOULEVARD COMPLETION PROJECT

Mr. Lukas stated that this pre-application is for the William C. Good Boulevard completion project.

Project cost: \$627,420
Local share (51%) \$319,984

This is also a priority project.

Mr. Hall made the motion to adopt Resolution 2010-24; seconded by Mr. Aldridge. The vote:

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

Motion passed.

RESOLUTION 2010-25 AUTHORIZING THE CITY MANAGER TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S), AND TO EXECUTE CONTRACTS, AS REQUIRED, FOR PROGRAM YEAR 2013 (PY'27), MACKINAW SUBDIVISION SANITARY SEWER IMPROVEMENTS

Mr. Lukas stated that this pre-application is for the Mackinaw Subdivision Sanitary Sewer improvements project – sewer relining of older lines in the South Avenue, Pine, Forest and Elm Street areas.

Project cost:	\$280,865
Local share (51%)	\$143,241

Mr. Faulkner made the motion to adopt Resolution 2010-25; seconded by Mr. Hall. The vote:

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

Motion passed.

RESOLUTION 2010-26 AUTHORIZING REIMBURSEMENT OF UP TO \$2,500 TO WARREN COUNTY KUSTOMS FOR THE FRANKLIN DOWNTOWN SATURDAY NIGHT CAR SHOW

Mr. Lukas stated the car show will be held on August 14, 2010. They are asking for \$2,500 – the same as in the past.

Mr. Hall made the motion to adopt Resolution 2010-26; seconded by Mr. Knipper. The vote:

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

Motion passed.

RESOLUTION 2010-27 GRANTING TAX EXEMPTION TO THE REAL PROPERTY OF WALTHER ENGINEERING & MANUFACTURING COMPANY, UNDER THE COMMUNITY REINVESTMENT AREA PROVISIONS, AREA #3

Mr. Lukas stated this needs to be tabled till the next meeting as the property owner wants to meet with the Economic Development Council Committee.

Mr. Faulkner made the motion to table Resolution 2010-27; seconded by Mr. Aldridge. The vote:

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

Motion passed. Resolution 2010-27 is tabled.

INTRODUCTION OF NEW LEGISLATION

Mayor Bray introduced the following legislation:

Ordinance 2010-13 Amending the Provisions of the Income Tax Ordinance to Provide for an Increase in the Income Tax of One-Half of One Percent (0.5%) from and after January 1, 2011, for the Purpose of Providing Revenues for Expenditures on General Municipal Operations, Capital Improvements and Capital Outlays by Amending Section 751.03(a) of the Codified Ordinances of the City of Franklin, Subject to the Approval of the Electors of the City of Franklin

Ordinance 2010-14 Determining to Proceed with the Improvement of City Streets and Public Ways by the Lighting Thereof for the Year 2011

DISCUSSION: HIGH GRASS REGULATIONS

Nick Sweeny, 4555 Beal Road, stated he had had an issue with the City about the right-of-way and solved that issue right away. All of us should follow the rules of the City; land classified as agricultural allows animals; the law is the law; and all should follow the same rules.

Gina Sweeny, 4555 Beal Road, stated she didn't dump anything and won't apologize. Mr. Sweeny added that he had the property surveyed and paid for it.

Becky Bray, 4475 Beal Road, stated all taxpayers should follow the law; not fair for one resident not to mow; know others in the City that have received a notice to mow; all residents should be treated the same.

Mr. Faulkner asked to state what the recent change to the Property Maintenance Code is.

Mayor Bray stated the Property Maintenance Code was recently updated to include industrial land that has to be mowed – only change. Residential mowing has always been required to be mowed – wasn't enforced for everyone.

Ms. Fisher stated that the old and new regulations are in Council's packet. The new Property Maintenance Code doesn't enact new regulations for the cutting of high grass – it does place the enforcement of the regulations under NIC.

Mr. Hall stated that part of the issue is we have a lot of residents with high grass issues & the process was cumbersome; another issue is to have NIC more proactive in getting high grass violators.

Ms. Fisher stated the only change to the new Property Maintenance Code is that industrial property was added to be cut – the old interpretation of the Code included only residential property. The new regulations require industrial property to mow to the street – only change.

Terry Stewart, 3535 Beal Road, stated along with Julia Scarce, he has had a hay field for 60 years; cut 3-4 times a year; and asked if the City wants to reimburse us for money received for the hay bales & that he has a person cut the hay.

Mayor Bray stated we have been updating the City Codes; overlooked your situation for years; making others do things also; and that you are residential.

Mr. Faulkner stated there is a property providing a buffer; fine with property if boundaries are cut.

Mayor Bray stated there are six properties that surround this property; property should be cut; neighbor across the street just bought 3 acres and he was told he has to mow and he doesn't want to.

Sharon Stewart, 3535 Beal Road, stated she has lived on Beal Road her entire life (67 years); has baled hay over 55 years; and there was a buffer but it has been cleared off of his property.

Mayor Bray stated that's not the issue – looks terrible out in that area from property not being mowed.

Mr. Aldridge asked if any complaints have been received. Mr. Lukas stated he doesn't know – will have to check with NIC.

Mayor Bray stated it looks bad; Mr. Faulkner stated it is a matter of opinion and just need to mow along the edge.

Ms. Fisher stated she gave Council 2 options to consider and had zoning maps marked to show the areas being affected: properties that can apply for exemption and properties that have been growing high grass. This has gone to the Utility Committee and they couldn't reach an agreement.

Mr. Scarce stated there is a creek that separates the property; neighbor has garden on our property and that he didn't say anything.

Mayor Bray stated 6 property owners are involved – 5 want this mowed and because it is isn't mowed doesn't make it right.

Mr. Lipps stated that Mayor Bray shouldn't be leading this discussion as he is an affected landowner in the area – okay to take a stance - isn't politically correct to do.

Mr. Faulkner stated if it is a lot in the middle of a subdivision, it should be mowed. If it is a bigger lot, should be fine to mow back 10-15" along the boundary.

Mr. Sweeny stated his land used to be a soy bean field; built a house and now payer higher taxes; make his land agricultural also so to lower his taxes.

Mr. Knipper stated several years ago we wanted bigger houses in that area; cleaned up the exits to make City look better; if I see land not mowed, why should I mow? He questioned if there is a happy medium.

Tammy Stewart, 3775 Springboro Road, stated she grew up on Beal Road, you can't see the property, didn't know this was a problem; is a problem to get to the property, have to use the Church easement, would like to get an easement from Mr. Gray.

Mayor Bray stated just because you can't see the property doesn't mean its legal; and that they have to get the easement from Mr. Gray.

Discussion continued on the area is developing; property has been a hay field for 50+ years; how do you pick and choose who doesn't has to follow the Code; Council & property owners are in disagreement on this issue; and don't punish property owners because we wanted some acreage instead of living in a subdivision.

Ms. Fisher stated that this is only a discussion item tonight – no legislation. Mr. Scarce stated that the property has been mowed. Mayor Bray stated that this is not to go back to the Utility Committee.

Mr. Hall stated that we can't be impartial to this issue; the City Manager needs to have a meeting with all the residents affected in the area with understanding there may not be a resolution; dialogue is needed; this issue is a bickering between the neighbors; short of going to Court, don't know if it will be solved, as no one will be happy with any decision; needs to be talked about in a rationale matter; if the residents can't come to an agreement then Council needs to solve the issue with certain members not participating; and this can be solved if we want it to be.

Mr. Knipper stated that other property owners should be included from the area – Scotty Townsend, Todd Henderson and DCS. Mr. Lukas added that DCS also wants to keep growing their property for hay.

Mayor Bray stated to bring back this issue at the next meeting.

Mr. Lukas stated he will set up meeting and have a recommendation.

CITY MANAGER'S REPORT

Mr. Lukas referred to Mr. Rockwood.

Mr. Rockwood addressed Council on the following:

- Presented Captain Coulton with a badge for the new title of Operations Chief of the Department. He has gone above & beyond his duties during his years of service.
- June 2nd a.m. response to residence on Deardoff Road – fire department was first responders there; thanked all employees for the job they did; publicly thanked Gary Hall, (Service Department employee) for his work that day operating the backhoe; many agencies were there and spoke very highly of the first responders – everyone highly complimented our employees

LAW DIRECTOR'S REPORT

Ms. Fisher reported on the following:

- The May 10, 2010 Planning Commission is cancelled. The Planning Commission denied the request of Gary Lust, Conover Drive for a conditional use and he has filed an Administrative Appeal

COUNCIL COMMENTS

Comments tonight: need police patrol in the park, especially in the evening; appreciate those at the Finance Committee meeting earlier; if the big issue of the City is tall grass, Franklin not a bad town; thanks for coming this evening; Mr. Coulton's recognition is deserved and thanks for your service; JEMS is asking to work with the City to use firefighters for EMT services if needed -recently had a call where all 4 squads responded & area squads were busy; and Mayor Bray reported that Shawn Mills will be opening a restaurant across from Hampton Bennett in the strip mall; high grass issue is personal for me as property abuts mine; we've changed Franklin, people

get upset, need to continue; can't support the .50% increase, even though needed, as long as we give the township money, need to work something out with the township (not necessarily detach); Mr. Faulkner asked what can we do if we don't detach. Mr. Aldridge questioned the possibility of a merger.

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

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

Motion passed.

At 7:25 p.m., Mayor Bray and members of Council entered into executive session to discuss union negotiations.

Mr. Faulkner made the motion to exit the executive session; seconded by Mr. Bray. The vote:

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

Motion passed.

Mayor Bray reconvened the meeting and added Resolution 2010-28 to the agenda.

RESOLUTION 2010-28 ACCEPTING THE FACT-FINDING RECOMMENDATIONS AND REPORT DATED JUNE 7, 2010, IN THE MATTER OF FACT FINDING BETWEEN THE CITY OF FRANKLIN, OHIO AND IAFF, LOCAL 3724

Mr. Lipps made the motion to adopt Resolution 2010-28; seconded by Mr. Aldridge. The vote:

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

Motion passed.

Mr. Hall made the motion to adjourn; 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	absent

Motion passed.

Mayor Bray adjourned the meeting.

Mayor

Clerk of Council