

**FRANKLIN CITY COUNCIL
AUGUST 16, 2010**

Members of the Franklin City Council met in regular session on Monday, August 16, 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	absent – arrived at 6:05 p.m.
Carl Bray	present
Denny Centers	present
Michael Aldridge	present
Todd Hall	present

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

The Pledge of Allegiance was led by Mr. Lee Dunlap.

Mr. Knipper arrived at 6:05 p.m.

Mr. Faulkner made the motion to approve the Clerk's Journal and accepting the tapes as the official minutes of the August 2, 2010 meeting; seconded by Mr. Hall. The vote:

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

Motion passed.

Mayor Bray moved Resolution 2010-37 to be the next agenda item.

RESOLUTION 2010-37 APPROVING & AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ECONOMIC DEVELOPMENT LOAN AGREEMENT WITH VRI

Ms. Fisher stated that this authorizes an economic development loan agreement with VRI. They are interested in relocating to the City. The incentive package is a 3 year loan. The money will be dispersed when the lease is signed. We will be thrilled to have them in the City – hope they see we are interested in them.

Mr. Centers asked the term of the building lease.

Mr. Chris Hendriksen stated it will be for 7 – 8 years; serve the health care industry; working with the City has been a pleasure; and hope to be in the building by the end of the year.

Mr. Centers then asked how many new hires will there be.

Mr. Hendriksen stated growth is a 25% a year – 100 employees currently.

Mr. Knipper made the motion to adopt Resolution 2010-37; seconded by Mr. Hall. 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.

RECEPTION OF VISITORS

Nick Sweeney, 4555 Beal Road, stated that rocks are in the right-of-way on Industrial Drive – he had to move his rock, they should have to move theirs. He added there is a brush pile that is still there and the noxious weeds have been mowed and need to be mowed again.

Mr. Lukas stated that letters were sent out last week to the companies on Industrial Drive about the rocks and he will have to check on the brush pile. Mr. Sweeney stated it was given to NIC 10 days ago and also showed pictures of the brush pile to Council.

Mayor Bray stated that the property does have noxious weeds, been notified by the County and they have to be either mowed or sprayed. Mr. Sweeney stated it was mowed a week ago Saturday and needs mowed again – just want the City to enforce the rules.

Ms. Fisher stated that we are following State law – upon written notification of the noxious weeds, Council has to pass a resolution saying they have to cut or spray the weeds. Since they had been cut, the resolution wasn't presented tonight. If they aren't cut, it will be on the next agenda.

Mr. Aldridge asked when the brush pile appeared. Mr. Sweeney stated a month ago – brush pile appeared, told to move and he moved it from 1 spot to another spot.

Mayor Bray stated we will check on the brush pile and let you know.

Charles Duff, 101 Hawkins Court, Germantown, Ohio and works for New York Life, stated he recently talked with the Mayor and just wanted to come and listen to a Council meeting.

LIQUOR LICENSE: STOCK OWNERSHIP CHANGE – D5 - SAMAAN VENTURES INC, DBA STRIKE ZONE LANES, JD LEGENDS, 65 MILLARD DRIVE

Mrs. McGee stated that this is a request for a stock ownership change – D-5 permit, no change to it. The Police Department has reviewed and has no objections.

There being no motion made requesting a hearing, this will be returned that the City does not request a hearing.

PUBLIC HEARING ORDINANCE 2010-17 LEVYING ASSESSMENTS FOR IMPROVEMENT OF CITY STREETS & PUBLIC WAYS BY THE LIGHTING THEREOF FOR THE YEAR 2011

Mr. Lukas stated that this is the last step in the assessment process.

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. Faulkner made the motion to adopt Ordinance 2010-17; 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 2010-18 AMENDING SECTION 129.06 OF THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO, TITLED “FEES”

Ms. Fisher stated that this recommendation came from the Finance Committee meeting when the warrant program was discussed. The current fees are lower than the State allowed fees are. This increases those fees to the State allowed amounts. Also added fees that we may use and the money goes to the General Fund.

Mayor Bray stated that this was discussed at the Finance Committee 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 2010-18; seconded by Mr. Centers. The vote:

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

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

Motion passed.

PUBLIC HEARING ORDINANCE 2010-19 ENACTING SECTION 157.03 OF THE
CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHO, TITLED
“PROMOTIONAL EXAMINATIONS”

Mr. Lukas stated that in 2004 legislation was passed mandating examinations being opened up. A couple of year’s later, legislation was passed that the Assistant Fire Chief position also be opened up. This allows a decision on a case by case basis. The intent is to do in-house for the current Police Chief’s vacancy and will start that process as soon as possible.

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 2010-19; 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 yes

Motion passed.

EMERGENCY ORDINANCE 2010-20 AMENDING ORDINANCE 2010-06,
PROVIDING APPROPRIATIONS FOR CURRENT EXPENSES & OTHER EXPENDITURES
FOR THE CITY OF FRANKLIN, OHIO, FOR THE FISCAL YEAR ENDING
DECEMBER 31, 2010

Mr. Lukas stated that Mrs. Morgan is sick today and he is filling in for her. This has been to the Finance Committee for review and approval. There is a list provided in the packet on the changes: Special Events donations; Income Tax refunds; PERS pickup for Jenny Flinchum when she was a contract employee – will have Mrs. Morgan email you tomorrow with details; fire union pay increase; and court overtime costs.

Ms. Fisher stated that an amended Exhibit A is on the podium.

Mr. Faulkner made the motion to adopt Ordinance 2010-20; seconded by Mr. Aldridge. The vote:

Mr. Hall yes
Mr. Lipps yes
Mr. Faulkner yes

Mr. Knipper yes
Mr. Bray yes
Mr. Centers yes
Mr. Aldridge yes

Motion passed.

RESOLUTION 2010-38 AUTHORIZING THE CITY MANAGER TO EXECUTE THE SUSTAINABLE DEVELOPMENT CONSORTIUM PARTNERSHIP AGREEMENT WITH MVRPC

Mr. Lukas stated that Miami Valley Regional Planning Commission is applying for a HUD 2010 Sustainable Communities Regional Planning Grant for regional planning. To apply, partnership agreements are needed and part of the agreement is that we agree to either financial or in-kind contributions. His recommendation is in-kind contributions – professional services & meeting space. If they don't receive the money, it will help for future applications and the plan is not mandatory on cities. Mr. Lukas recommended passage.

Mr. Faulkner expressed frustration with the federal government – feel this is already being done.

Mr. Knipper made the motion to adopt Resolution 2010-38; seconded by Mr. Hall. The vote:

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

Motion passed.

INTRODUCTION OF NEW LEGISLATION

Mayor Bray introduced: Ordinance 2010-21 Enacting Section 1337.04(g) of the Codified Ordinances of the City of Franklin, Ohio, Titled "Exemptions"

Ms. Fisher stated that we talked about this at the last meeting – need to decide how you want to proceed. There are 4 properties that grow high grass for hay – 2 are grandfathered (Searce & Townsend) and 2 aren't (DCS & Henderson). A 15' buffer off the roadway will be required. If you do exempt them, then can continue to grow hay, otherwise they will have to cut it.

Mr. Bray questioned the Searce property that has noxious weeds. Ms. Fisher stated that is controlled by State law as we don't have any regulations on that.

Mr. Centers asked about lots of 5 acres or more. Ms. Fisher stated they aren't allowed to grow hay either. Lots over 5 acres have provisions for animals and can grow hay for them.

CITY MANAGER'S REPORT

Mr. Lukas reported on the following:

- Received Lorna Ball's resignation as Civil Service Commission Secretary, effective at the end of the year. Mr. Faulkner noted several items which Mrs. Ball has initiated while being Secretary – she will be missed.
- Ribbon cutting ceremony tomorrow for Lisa's Kitchen – a new restaurant

LAW DIRECTOR'S REPORT

Ms. Fisher reported on the following:

- No September 6 Council Meeting – Labor Day – next Council meeting September 20

Mr. Lukas noted a Finance Committee meeting will be needed prior to the September 20th meeting.

COUNCIL COMMENTS

Comments tonight include: school is starting, be careful; weather affected the car show attendance, show was awesome before rain came, about 300 cars; issue at Park on Saturday, barricades put up at pool for parking; this has been done before & the pool will also be open this weekend; thanks for coming; any income from City property on Deardoff Road; School sells parking passes to park on City lot for football games – have concerns about a precedent being set; Mr. Knipper stated we have a lot of shared joint ventures in the park and provided some past history; Ms. Fisher suggested a "Use Agreement" with the Schools; Brett Michaels concert, good job by Charlie; any issues with PH Bistros (Mr. Rockwood stated activities continuing and contacts with Liquor Board continuing), Mr. Centers asked to see a current call log since they received their 2:30 a.m. license; August 27 first football game, big opening night with Carlisle; new flag poles & new pavilion in park are joint ventures; Maltera Café is open;

Mayor Tim Humphries, Carlisle, stated Railroad Days are this weekend in Carlisle.

Mayor Bray stated he attended the concert at JD Legends it was packed and great event; also sold out next weekend for a concert; car show great event; Lisa's Kitchen grand opening is tomorrow, open Wednesday for business; attended Franklin Township Meeting last week to talk with them about the inside mileage they receive, we have a tax levy on the November ballot, asked for \$100,000 for next year, Mr. Rose said if they give us money, they will have to increase the cemetery costs; didn't threaten to detach – just have money problems, and told them we would get back with them in a month or so.

Mr. Faulkner made the motion to adjourn; 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.

Mayor Bray adjourned the meeting at 7:05 p.m.

Vice Mayor

Clerk of Council