

**FRANKLIN CITY COUNCIL
AUGUST 2, 2010**

Members of the Franklin City Council met in regular session on Monday, August 2, 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 5 visitors and no one from the press at tonight's meeting. Also present: Mr. Jonathan Westendorf, Fire Chief; Mr. Bob Rockwood, Safety Director; Ms. Donnette Fisher, Law Director; Mr. Sonny Lewis, Public Works Director; Mr. Jim Lukas, City Manager and Mrs. Jane McGee, Clerk of Council.

The Pledge of Allegiance was led by Mr. Westendorf.

Mr. Hall made the motion to approve the Clerk's Journal and accepting the tapes as the official minutes of the July 19, 2010 meeting; 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.

RECEPTION OF VISITORS

William Singleton, 10 Maple, complained about the truck traffic in the neighborhood – Elm, Maple, Pine Streets. He added that there is a “no thru trucks” sign at the end of the street but the trucks are already in the neighborhood when they see the sign, they can't make it thru and are tearing down utility lines etc.

Mr. Lewis stated that the truck routes are marked – unaware of this problem – will move the “no thru trucks” to the beginning of the street and see if that helps.

Mayor Bray asked Mr. Lukas to call Atlas and Miami Paper Company to let them know of this issue.

Mayor Bray also told Mr. Singleton to contact the City Manager if the problem continues.

PUBLIC HEARING ORDINANCE 2010-15 AMENDING SECTION 723.13, TITLED “RECORDS AND OTHER DUTIES”, AMENDING SECTION 723.15, TITLED “REFUSAL OR REVOCATION OF LICENSE”, AND ENACTING SECTION 723.18, TITLED “RECOVERY OF STOLEN GOODS”, OF THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO

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.

Ms. Fisher stated that in 2009 rules & regulations were adopted for secondhand dealers as we were seeing a lot of stolen goods passed thru these dealers. After a year of enforcement, we need to make a couple of changes.

- Added subsection (e) to 723.13 – mirrors State law that applies to scrap metal dealers that is modified for use in secondhand dealer regulations. The Police Chief is to provide the secondhand dealers with a list of known or suspected thieves or receivers of stolen property & prohibits the secondhand dealers from doing business with anyone on the list.
- Added subsection (c) to 723.15 – prohibits the operation of a secondhand dealer business without a license & grants the Police Chief authority to prevent the operation when the dealer doesn’t have a license or when the license has been revoked.
- Added section 723.8 – deals with the recovery of stolen goods. This mirrors State law on recovery of stolen goods by the true owner from pawnbrokers.

Mr. Aldridge asked how often do we have problems. Ms. Fisher stated that we have had some problems. Safety Director Rockwood added that one operation has closed where stolen items were found – 2 operations are still open.

Mr. Lipps made the motion to adopt Ordinance 2010-15; 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.

PUBLIC HEARING ORDINANCE 2010-16 AMENDING SECTION 505.09 OF THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO, TITLED “BARKING OR HOWLING DOGS”

Ms. Fisher stated that this came from conversation with a resident who is having issues with barking dogs over the last 3 years. The dog owner has been cited numerous times this past year. The problem is the first time the officer is called out, a warning is issued and on the second complaint, the dog owner is cited. The Court policy has been that the owner is required to pay \$25.00 and doesn't have to appear in Court. The Court now requires an appearance on a second violation, but the penalty section needs to be amended to create a sliding scale that increases the punishment the more times you allow your dog to violate these regulations. The penalty is an unclassified misdemeanor. We hope this will deal with the neighborhood problems.

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

Mr. Aldridge made the motion to adopt Ordinance 2010-16; seconded by Mr. Lipps. 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.

RESOLUTION 2010-32 AUTHORIZING THE CITY MANAGER TO EXECUTE THE COLLECTIVE BARGAINING AGREEMENT WITH THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, LOCAL 3742

Mr. Lukas stated that Resolution 2010-28 passed by Council adopted the Fact Finders Report and this Resolution authorizes the signing of the contract.

Mr. Hall made the motion adopt Resolution 2010-32; 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.

RESOLUTION 2010-33 AUTHORIZING THE CITY MANAGER TO EXECUTE ADDENDUM TO CONTRACT WITH DONNETTE A. FISHER FOR SERVICES OF THE LAW DIRECTOR

Mr. Lukas stated that Council has completed her review and this amends her contract to include a 3% salary increase and an additional week of vacation.

Mr. Faulkner made the motion to adopt Resolution 2010-33; 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.

RESOLUTION 2010-34 AMENDING RESOLUTION 2010-21, ESTABLISHING ORGANIZATIONAL LISTINGS AND PAY RATES FOR THE CITY OF FRANKLIN OFFICIALS AND EMPLOYEES FOR 2010

Mr. Lukas stated that this amends the salary resolution to include the salary adjustments from the previous two resolutions just passed and an increase to 11% for the non union employees' share of health/dental premiums.

Mr. Knipper made the motion to adopt Resolution 2010-34; seconded by Mr. Aldridge. 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 2010-35 APPOINTING HEATHER SCHULTE TO THE SPECIAL EVENTS COMMITTEE

Mr. Lukas stated that this is to appoint Heather Schulte to the Special Events Committee. She has helped the committee with the last two events and lives at 859 S. Main Street.

Mr. Hall made the motion to adopt Resolution 2010-35; seconded by Mr. Faulkner. The vote:

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

Motion passed.

RESOLUTION 2010-36 REAPPOINTING CDS ASSOCIATES AND MARK NENNINGER TO THE CITY OF FRANKLIN HISTORIC DISTRICT REVIEW BOARD

Ms. Fisher stated that this Board was created with the adoption of the Unified Development Ordinance last year. It is a 7 member board, initial terms staggered and reappointments will be three year terms. This reappoints CDS Associates & Mark Nenninger.

Mr. Hall made the motion to adopt Resolution 2010-36; seconded by Mr. Faulkner. 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.

INTRODUCTION OF NEW LEGISLATION

Mayor Bray introduced: Ordinance 2010-17- Levying Assessments for Improvement of City Streets and Public Ways by the Lighting Thereof for the Year 2011

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

Mayor Bray introduced: Ordinance 2010-18 - Amending Section 129.06 of the Codified Ordinances of the City of Franklin, Ohio, Titled "Fees"

Ms. Fisher stated that this came out of the Finance Committee meeting - from the Warrant Officer Program presentation. The recommendation is to increase the fees to the State allowed maximum for warrants, subpoenas, etc.

Mayor Bray introduced: Ordinance 2010-19 - Enacting Section 157.03 of the Codified Ordinances of the City of Franklin, Ohio, Titled "Promotional Examinations"

Mr. Lukas stated in 2004, Council passed an ordinance stating that promotional examinations for Police and Fire Chief shall be opened to outside candidates. We would like for those promotional examinations not to be mandatory to be opened to outside candidates – we have a vacancy and want to stay in-house.

CITY MANAGER'S REPORT

Mr. Lukas stated he'd like Council to give him an indication if they are in agreement with Ordinance 2010-19 as he would like to talk with the Civil Service Commission at their next meeting about the process. Information was sent out in an email to Council.

Mr. Faulkner stated that he's not against this but asked how we got to this point.

Mr. Lukas stated that we have to do this legislation anyway – will be 3-4 months before we can test for the position.

Mr. Rockwood stated we have 2 candidates that he is mentoring; they are sacrificing their programs they have been in charge of that they have given to others; they are doing mentoring tasks plus educational classes plus any other additional tasks that have been assigned to them. He added he doesn't see the need for additional mentoring for both – at the point need to single out one and if needed, do additional mentoring. Need to start the process right away, will still be 3-4 months away. Mr. Rockwood stated when he was asked to do this, thought it was a great plan, but don't see any value in continuing this – better to identify the next Police Chief and then, if more mentoring is needed, it can be done.

Mayor Bray stated he hadn't seen the email – thought it was going to be a couple of years.

Mr. Rockwood stated that the Chief's position needs filled and do the needed promotional exams – either will be a successful Chief. The job description says a BA is preferred; both are on the way to have that – is a value but doesn't replace experience.

Mr. Faulkner stated concern that once this is done it can't be undone – believe both are capable.

Mr. Rockwood stated he understands – been there – that he has confidence in both - they will succeed.

Mr. Faulkner questioned who will conduct the interviews – interviews are extremely beneficial.

Mr. Lukas stated that the Civil Service Committee is in control of the process – next meeting is August 13, 2010. Chief Ellis has volunteered to come back and be on the assessment board.

Mr. Rockwood explained that if we stay inside, don't have the expense of the assessment. We appoint our own committee – will save money and Chief Ellis is the best to do as he has done this before.

Mayor Bray stated that he needed more information and will get with Mr. Lukas tomorrow.

Mr. Hall stated that this says it takes 5 votes to open up the examination. Ms. Fisher stated yes, the ordinance gives Council the option to open up the exam on a case by case basis.

LAW DIRECTOR'S REPORT

Ms. Fisher referred to her memo in the packet on the high grass regulations; been talked about but haven't resolved anything. She explained the situation with the Scarce property which isn't an issue; do have a couple of other properties that grow hay; if you don't enact, they will have to cut their property.

Mr. Aldridge asked if any complaints have been received.

Ms. Fisher stated no, one property has asked for an exemption & another property is growing hay. Mr. Lukas added there is another property, for a total of 3 properties growing hay.

Ms. Fisher asked if Council wanted this placed on the next agenda. Consensus of Council is to put this on the next agenda.

COUNCIL COMMENTS

Comments tonight include: wonderful night tonight; thanks for attending; remember the car show; complaints from downtown residents about patrons outside a restaurant partying, etc., like to have an officer sit there at the corner on the weekends (Safety Director Rockwood stated it is a problem and the State Liquor Board has been called); scalpers on trash day are aggressive, any affect on Rumpke rates; status of Franklin Commons issue and JD Legends is sold out for Saturday night.

EXECUTIVE SESSION

None tonight.

None tonight.

ADJOURNMENT

Mr. Hall made the motion to adjourn; seconded by Mr. Knipper. 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 adjourned the meeting at 7:00 p.m.

Mayor

Clerk of Council