

**FRANKLIN CITY COUNCIL
NOVEMBER 21, 2011**

Members of the Franklin City Council met in regular session on Monday, November 21, 2011, 6:00 p.m. at the Franklin Municipal Building, Vice Mayor Bob Knipper presiding.

Roll call showed:

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

There was one member of the press and 23 visitors at tonight's meeting. Also present: Mr. Russ Whitman, Police Chief; Mr. Jonathan Westendorf, Fire Chief; Ms. Donnette Fisher, Law Director; Mr. Sonny Lewis, City Manager and Mrs. Jane McGee, Clerk of Council.

Members of Girl Scout Troop 40573 presented a flag ceremony and the pledge of allegiance.

Mr. Bray made the motion to approve the Clerk's Journal and accept the tapes as the official minutes of the November 7, 2011 regular meeting; seconded by Mr. Aldridge. The vote:

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

Motion passed.

RECEPTION OF VISITORS

None tonight.

INTRODUCTION OF NEW LEGISLATION

Vice Mayor Knipper introduced: Ordinance 2011-22 Enacting Section 1109.07 of the City of Franklin Unified Development Ordinance, Titled "Highway Sign Overlay District".

Ms. Fisher stated both of these ordinances have been to Planning Commission. The UDO Ordinance prohibits pole signs. This ordinance will enact an Overly District along I-75. Businesses will be allowed additional signage based on the size of the building. Buildings less than 10,000 square feet will be allowed one additional monument sign or one additional wall sign. Buildings over 10,000 square feet will be allowed one additional wall sign and either one additional monument sign or one pole sign. Signs will have to meet the current UDO regulations. Ms. Fisher noted regulations allow the following: size area is tied to the height of the sign; height is limited to no more than 10' above the building; external

illumination not allowed; internal illumination is allowed; and maintenance and landscaping is also included. The Planning Commission has had three meetings on this, and at the last meeting, they voted unanimously to recommend to Council.

Mr. Bray stated that he was on Planning Commission when the UDO was accepted. It was discussed then that amendments might be needed – this will help the businesses along I-75 to be seen.

Vice Mayor Knipper stated that he and Mayor Centers are on Planning Commission. There was discussion on both sides; discussions went well – wanted something nice. This is another tool to attract businesses along I-75. This is positive & business friendly.

Ms. Fisher stated that the UDO can be changed - is not set in stone. It is easier to change and lessen than tighten up regulations.

Mr. Aldridge asked if there is any affect on existing businesses that have signs. Ms. Fisher stated that they are grandfathered in.

Vice Mayor Knipper introduced: Ordinance 2011-23 Extending the Moratorium on the Establishment or Commencement of Operations of “Internet/Sweepstakes Cafes” or Similar Uses for an Additional Six-Month Period

Ms. Fisher stated that this was enacted 6 months ago in August, will expire February 9, 2012 and HB 195 is still in Committee. This was discussed with Planning Commission and they recommend extending the moratorium for 6 months to see what happens with HB 195.

Mr. Bray asked what will we do then.

Ms. Fisher stated you will have to decide if you want to allow and how to regulate them. Ms. Fisher noted a lot of cities have moratoriums in place. She has also talked with Mr. Lukas, City Manager of Brunswick, as they have internet sweepstakes/cafes and have no problems with them. Vice Mayor Knipper explained how the cards work and Ms. Fisher added that it is predetermined on the phone card if you win – they make money on the minutes on the phone card.

Vice Mayor Knipper stated he felt that we should extend the moratorium for 6 more months.

Mr. Lewis asked if these places can get a liquor license and/or sell food. Ms. Fisher stated they are not doing that at this time. If they did, adequate parking would be needed. She noted that this is on the agenda now to be voted on at the December meeting as we will only have one meeting in January and one meeting in February. This ordinance will become effective March 1, 2012.

DISCUSSION: JEMS

Mr. Lewis stated that this is on the agenda at Mr. Faulkner’s request as he wanted a formal discussion as JEMS had a meeting last Monday night and discussed several different scenarios.

Mr. Faulkner stated there was discussion last summer and he asked for Council’s support for a JEMS levy. Consensus was more discussion was needed.

Mr. Faulkner continued that Chief Riddiough brought back to the JEMS Board, to put a levy on the March 2012 primary. Decisions have to be made in December to put it on the March ballot as JEMS has to do in the next couple of weeks. As a board member, have concerns of how it functions; hired a full-time Chief 2 years ago; and to operate as need to, a lot of things need addressed.

The JEMS Chief is asking for a 3.04 mil levy, in addition to the current levy, or a 1.8 mil replacement levy. I'm against the 3.04 mil levy; bringing back to Council and hope for discussion, on what we are going to do with this organization. They've had no raises, neither the F/T Chief nor Scott Fromeyer, the Fiscal Officer. We need to decide where we're going; feel there is an option, without asking the public for any money, to pool resources of JEMS and Franklin Fire and maybe also have JEMS Board outsource ems to the Fire Department.

Mr. Bray asked if the Township or Carlisle has talked about his option; also, is there a possibility of either of their fire departments running the ambulances.

Mr. Faulkner stated anything is possible; it is such a multi-faceted complex issue, it is hard to make a decision with 3 legislative bodies, with so many people involved, to move forward with. We need to have discussion on costs, possibility to have Fire & JEMS together or some other scenario.

Mr. Bray asked if he reviews the budget.

Mr. Faulkner stated he gets budget printouts; it is staffed with part-time people; it worked when there were the 3 voluntary departments; each has different needs now; have reduced staff and shifts and not purchased equipment and something needs to be done.

Mr. Hall stated he doesn't see a levy passing in all 3 entities at 3.04 mils; 1.8 mil replacement levy best option to go with - will give us additional time to work on; question is will all 3 entities sit down and talk and don't know if they will; have to look at what is good for the organization; tried in past to talk - hasn't worked; great service; the replacement levy will give 3-5 years to work on and then make a decision and go with it.

Mr. Faulkner stated he thinks Carlisle would support the 3.04 mil levy - think the Township would support the 1.8 mil levy.

Mr. Faulkner added that there is also a June primary; if we do it then, there will be an additional cost to put it on the ballot - approximately \$500-\$600 per precinct.

Mr. Bray stated there are 5 ambulances; staff 3, the other 2 don't always run, afraid in the next year only a couple of them will be running. He continued, with the age of the vehicles and cost to replace them and equipment, it will be very costly to have a JEMS, need to make a decision on what to do.

Mr. Hall stated the problem is we have to decide if we are going to work together or do something else - is not the Chief's decision to make - we need to decide what we are going to do within next 6 months.

Mr. Aldridge asked what happens if it fails in March? Mr. Faulkner stated this is being presented to the 3 entities in next few days, there is a meeting Monday to see what the next step is - see what has to be done to make it thru the first of year - decisions on what services have to be eliminated.

Mr. Hall stated everybody wants the service but doesn't want to pay for it – been dealing with this for the past ten years.

Mr. Bray asked if all 3 cities own JEMS.

Ms. Fisher stated that JEMS is its own entity, the three board members would vote on it - last ballot issue was in 1995, why wouldn't you put on one of the levy's and let the voters decide as they directly fund it – none of the money comes from any of the 3 entities.

Mr. Faulkner stated the consideration is that these are our residents – I'm more supportive of the 1.8 mil replacement levy if there is an end game on how to fix it.

Vice Mayor Knipper stated he agrees there are safety issues – need to let the voters decide on the 1.8 mil replacement levy – if passes, is a temporary fix and then we have time to do a plan. If it fails, then have to decide what to do.

Mr. Bray asked Vice Mayor Knipper do you tell the voters you support this. Vice Mayor Knipper stated, yes, he supports the levy, gives us time to do a plan, if we want to continue with JEMS or do something else. We keep putting the issue off as it is a tough decision to make.

Mr. Aldridge stated part of the reason it is put off, is we don't know what is involved with it. I don't know anymore today then I knew the last time we talked about this – have no idea of what the costs will be.

Discussion continued on letting voters decide on the levy; safety issues a concern; other options are available, i.e. company providing emt services; more specific information is needed; which levy to recommend; possibility of City buying equipment/ambulance for JEMS; possibility of hard billing; possibility of firefighters providing secondary service to JEMS, will be cost to the City to provide (per the union contract, an additional \$2.00/hr); been asked to provide mutual aid to Middletown; concern if levy passes, we won't do anything; costs are needed to provide the service; possibility of Fire/EMS District; decisions need to be made; and need costs for City to provide ems service in-house.

Mr. Aldridge stated he wanted a full presentation that shows costs, how it will work, how it will transition and comparable costs from other cities our size.

Mr. Lewis stated all good valid points tonight; it's not the ambulance, the real cost to provide EMS is personnel and that will always go up; 60% of cost to run JEMS now will be ours if we provide service; just passed a ½% income tax levy, not out of recession yet; you talk about economic development and increase revenues – money comes from the citizens.

Mr. Faulkner stated that the billing money will take care of personnel costs; the cost is equipment; suggest keeping JEMS as funding mechanism; new transition is coming and we have to figure out the best way to do it.

Mr. Lewis stated you are shifting the burden to the City if we leave JEMS – agree something needs to be done.

Mr. Bray stated it has to pay for itself; let the taxpayers decide – might have to make cuts within the organization.

Vice Mayor Knipper asked Mr. Faulkner if he thought the 1.8 mil replacement levy is the best for the City. Mr. Faulkner stated he could live with that if he knows we are addressing the problem; this is my final year on the board – the system we have does not work.

Vice Mayor Knipper asked if there is any support for the 3.04 mil levy from Council – there was none. He then asked if there is support for the 1.8 mil replacement levy with a proposal to Council the first of January on the City providing our own service.

Mr. Bray stated he needs more specifics on what is going to be done with the levy money.

Vice Mayor Knipper stated to let the voters decide with a proposal coming from the City

Mr. Faulkner stated a proposal is needed from staff on this subject with options available. Also, he can support the 1.8 mil levy going to the voters – with discussion within the next 90 days.

Mr. Bray responded to Mr. Faulkner, the only way he wants this to go away, is for ems to go to the Fire Department – that is your only option. Mr. Faulkner stated no, his opinion is he would love to do that, but there are other ways to do this – one way is to keep JEMS intact and let Franklin run it.

Mr. Hall stated he has no problem with the 1.8 mil replacement levy – let the voters decide and Mr. Lewis to make a recommendation. JEMS has to operate until something is decided – they have to do their job.

Mr. Aldridge stated he is okay with the 1.8 mil replacement levy – let the voters decide – wish we could find a joint solution. Need to meet with the other entities on this – all want the best for our residents.

Mrs. Ball suggested using an outside negotiator at the meeting with all entities involved.

Mr. Bray stated he is not supportive of the 3.04 mil levy and not supportive of the 1.8 mil levy unless more detail and dollar amounts of what is needed is received.

Mr. Faulkner stated he is supportive of the 1.8 mil replacement levy to be decided by the voters – with a future proposal. He noted that Mr. Lipps, who is absent tonight, stated he is against both levies.

Vice Mayor Knipper asked Mr. Bray to let Mrs. McGee know if he supports the 1.8 mil replacement levy when he receives the additional information he requested (Mr. Faulkner to provide); stated he supports the 1.8 mil replacement levy to be decided by the voters; in the interim more information is needed - need to look at what's best for our residents.

Mr. Lewis stated getting all the information together by January 1 is optimistic, hope to have it for the meeting in February.

DISCUSSION: POLICE CONCILIATION REPORT

Mr. Lewis stated we have been in negotiations with the Police; went to Fact-Finding which was rejected by Council and Police accepted; then went to Conciliation (binding arbitration) and we have to do what they come back with. That's why it is a discussion item on the agenda tonight instead of a Resolution to accept or reject– I have to sign with what they came back with.

Vice Mayor Knipper stated because we were frugal and watched our money, we got penalized. They said you did well with your money, managed your money and have more money to give to the people. That is sad.

Ms. Fisher quoted from the report “In short, the City’s prudent fiscal management has resulted in a situation in which it is able to finance the wage increases sought by the union”.

Vice Mayor Knipper stated he has heard of different governmental agencies blowing money and always wondered why & they said if we don’t spend it we won’t get more or we have to give it somewhere else or they will take it away. We will continue to be frugal and I think they merit increases but I don’t think it should be because the only reason is, we had it to give.

Ms. Fisher stated that the Conciliator was focused on the carry-over in the budget. We had a large carry-over because of all the cuts made - we didn’t know if the levy would pass. The Conciliator upheld the Fact-Finders report. She noted the following:

- Police formed their own union - FLEA
- Contract runs July 2011 – June 2014 – is a 4 year agreement
- Wage freeze agreed for 2011
- Union asked for 0% in 2011; 3 ½% for 2012, 2013, & 2014; Sergeants and Lieutenants paid by wage differential (current 6% & 6 ½%; they asked to double %)
- We asked for 0% in 2011; 1% in 2012 & 2013; didn’t want to do 2014 or if granted, wanted a reopener. Proposed ½% increase on the Sergeant & Lieutenant wage differential
- Fact-Finder Report set the wages as follows, which the Conciliator agreed to :
 - 2011 – wage freeze
 - 2012 – 1 ½%
 - 2013 2%
 - 2014 2%
- ½% increase on wage differentials; insurance premium increase by ½%
- Explained how the comparables are used

Mr. Aldridge asked about how the overtime compares to other municipalities. Vice Mayor Knipper asked how the total compensation compares. He also noted that the private sector doesn’t do comparables – only hear of in negotiations – no two entities are the same.

Ms. Fisher stated comparables showed, across the board, that our employees were right-on – patrolmen right on; dispatchers about \$1.50 more, but are also jail matrons; and the Sergeants and Lieutenants were about \$2.50/hr lower. This Conciliator didn’t look at the comparables or the average wage increases for Serb numbers – he looked at the inflation rate.

Mr. Faulkner stated he didn’t think any of them begrudge giving the police more money – frustrated with the process.

Mr. Bray stated he doesn’t have a problem with the process – have a problem with the employees. They pushed the process. They could have settled. We’ve lost employers and we asked and passed a levy. Mr. Bray stated for the Police Department to ask for 3 ½% because we have money in the bank, because we didn’t provide services, makes him angry.

Ms. Fisher stated we’ve never said that they didn’t deserve it; it is a question of what we could afford.

Mr. Hall stated asking for more is always done, problem is the process. Don't begrudge anyone – without city employees working for the levy, it wouldn't have passed.

Mr. Bray stated he disagreed with Mr. Hall.

Discussion continued between Mr. Hall and Mr. Bray.

Vice Mayor Knipper stated he didn't like the process and the reasoning for it.

CITY MANAGER'S REPORT

Mr. Lewis wished everyone a 'Happy Thanksgiving'.

LAW DIRECTOR'S REPORT

Ms. Fisher asked Council when they want to meet in January 2012. The first Monday in January is a holiday and the third Monday is Martin Luther King Day. Per the Charter, Council has to have one meeting a month and asked when they want to schedule the January 2012 meeting- either the 16th or 23rd. Consensus of Council agreed to reschedule the January 16th meeting to January 23, 2012.

COUNCIL COMMENTS

Mr. Aldridge noted, on the past Election Day, that the poll workers at St. Mary's Church gave the candidate workers a hard time. This has been reported to the Warren County Board of Elections.

Vice Mayor Knipper stated the Chamber met at noon at the High School and the FHS Show Choir performed – they have a Christmas show coming up and urged everyone to attend.

Mr. Hall made the motion to adjourn; seconded by Mr. Bray. The vote:

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

Motion passed.

Vice Mayor Knipper adjourned the meeting at 8:02 p.m.

Mayor

Clerk of Council