

**FRANKLIN CITY COUNCIL
JANUARY 23, 2012**

Members of the Franklin City Council met in regular session on Monday, January 23, 2012, 6:00 p.m. at the Franklin Municipal Building. The meeting was called to order by Jane McGee, Clerk of Council, due to the absence of the Mayor and Vice Mayor.

Roll Call showed:

Denny Centers	absent
Matt Wilcher	present
Jason Faulkner	present
Scott Lipps	present
Carl Bray	present
Michael Aldridge	present
Todd Hall	present

There was one member of the press and 14 visitors at tonight's meeting. Also present: Mr. Don Woods, Zoning Official; Ms. Sandra Morgan, Finance Director; Ms. Donnette Fisher, Law Director; Mr. Ross Coulton, Police Captain; Mr. Jonathan Westendorf, Fire Chief; Mr. Sonny Lewis, City Manager and Mrs. Jane McGee, Clerk of Council.

Mrs. McGee asked for nominations for a Chairman Pro Tem.

Mr. Hall nominated Scott Lipps as Chairman Pro Tem; seconded by Mr. Bray.

Mrs. McGee stated Mr. Lipps has been nominated as Chairman Pro Tem and called for a vote.

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

Motion passed.

Mr. Lipps will serve as Chairman Pro Tem until the Mayor for 2012 is appointed.

The Pledge of Allegiance was led by Mr. Matt Wilcher.

Mr. Faulkner made the motion to approve the Clerk's Journal and accept the tapes as the official minutes of the December 19, 2011 regular meeting; seconded by Mr. Aldridge. The vote:

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

Motion passed.

RECEPTION OF VISITORS

Mr. Lewis introduced Mrs. Jenny Loxley, newly hired Income Tax Administrator, to Council. She is replacing Dave Fouch who is retiring in February.

RESOLUTION 2012-01 APPOINTING A MEMBER OF COUNCIL AS MAYOR FOR THE YEAR 2012

Mr. Lipps, Chairman Pro Tem, asked for nominations for Mayor.

Mr. Hall nominated Scott Lipps for Mayor; Mr. Wilcher seconded the nomination.

Mr. Lipps, Chairman Prop Tem, asked for any further nominations. There being none, he closed the nominations for Mayor.

The vote on the nomination of Scott Lipps as Mayor:

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

Motion passed.

Mr. Scott Lipps is appointed Mayor for the year 2012.

RESOLUTION 2012-02 APPOINTING A MEMBER OF COUNCIL AS VICE MAYOR FOR THE YEAR 2012

Mayor Lipps asked for nominations for Vice Mayor.

Mr. Bray nominated Jason Faulkner for Vice Mayor; seconded by Mr. Wilcher.

Mayor Lipps asked for any further nominations. There being none, he closed the nominations for Vice Mayor.

The vote on the nomination of Jason Faulkner as Vice Mayor:

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

Motion passed.

Mr. Jason Faulkner is appointed Vice Mayor for the year 2012.

RESOLUTION 2012-03 APPOINTING COUNCIL MEMBERS TO THE COMMITTEES OF
COUNCIL FOR THE YEAR 2012

The following are appointed to Committees of Council for 2012.

FINANCE

Carl Bray, Chairman
Jason Faulkner
Todd Hall

SAFETY

Jason Faulkner, Chairman
Michael Aldridge
Matt Wilcher

PUBLIC WORKS AND UTILITIES

Scott Lipps, Chairman
Carl Bray
Todd Hall

GOVERNMENT AFFAIRS/FACILITY NEEDS

Todd Hall, Chairman
Denny Centers
Carl Bray

PLANNING AND ECONOMIC DEVELOPMENT

Michael Aldridge, Chairman
Denny Centers
Scott Lipps

PARKS & RECREATION

Matt Wilcher, Chairman
Michael Aldridge
Jason Faulkner

ENVIRONMENTAL AFFAIRS

Denny Centers, Chairman
Scott Lipps
Matt Wilcher

Mr. Hall made the motion to adopt Resolution 2012-03; seconded by Mr. Bray. The vote:

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

Motion passed.

RESOLUTION 2012-04 APPOINTING COUNCIL MEMBERS AND MEMBERS-AT-LARGE TO CERTAIN DULY AUTHORIZING BOARDS & COMMISSIONS OF THE CITY OF FRANKLIN, OHIO AND TO OTHER REGIONAL BOARDS & COMMISSIONS

The following are appointed to Boards & Commissions for the City of Franklin and to other Regional Boards & Commissions.

1. The following member of Council is hereby appointed to the City of Franklin Planning Commission for a one (1) year term, January 1, 2012 to December 31, 2012:

Denny Centers

2. The following members of Council are hereby appointed as members of the Volunteer Firefighters' Dependent Fund for a one (1) year term, January 1, 2012 to December 31, 2012:

Carl Bray Matt Wilcher

3. The following member of Council and his alternate are hereby appointed to the Miami Valley Regional Planning Commission (MVRPC) for a one (1) year term, January 1, 2012 to December 31, 2012:

Michael Aldridge Sonny Lewis, Alternate

4. The following member of Council is hereby appointed to the Joint Emergency Medical Services (JEMS) Board of Trustees for a one (1) year term, January 1, 2012 to December 31, 2012:

Jason Faulkner

5. The following member of Council is hereby appointed to the Joint Emergency Medical Services (JEMS) Board of Trustees for a one (1) year term, January 1, 2013 to December 31, 2013:

Matt Wilcher

6. The following members of Council and persons, and their alternates, are hereby appointed to the Warren County Regional Planning Commission for a one (1) year term, April 1, 2012 to March 31, 2013:

Carl Bray, Council Member	Michael Aldridge, Alternate
Denny Centers, Council Member	Ellis Ball, Alternate
Sonny Lewis, City Manager	Don Woods, Alternate

7. The following member of Council and persons are hereby appointed to the Historic District Review Board for a four (4) terms, January 1, 2011 to December 31, 2014:

Scott Lipps, Council Member	Joe Lucas, Property Owner
Lee Dunlap, Planning Commission Representative	

The current three-year terms of these members, beginning August 1, 2011, and ending July 31, 2014 are hereby abolished.

8. The following persons are hereby appointed to the Historic District Review Board for four (4) year terms, beginning on January 1, 2012 and expiring on December 31, 2015:

Tom Combs, Member-at-Large Bob Turner, Property Owner

The current three-year terms of these members, beginning August 3, 2009, and ending July 31, 2012, are hereby abolished.

9. The following person is hereby appointed to the Warren County Board of Health for a one (1) year term, January 1, 2012 to December 31, 2012:

Adam McClanahan

10. The following persons are hereby appointed to the City of Franklin Planning Commission for four (4) year terms, January 1, 2012 to December 31, 2015:

Lee Dunlap
John Robinson

David Hopper

11. The following persons are hereby appointed to the City of Franklin Board of Zoning, Building & Housing Appeals for four (4) year terms, January 1, 2012 to December 31, 2015:

Tony Trammel

Bruce Stewart

12. The following persons are hereby appointed to the City of Franklin Civil Service Commission for six (6) year terms, January 1, 2012 to December 31, 2017:

Doris Ross
Shane Centers

Janine Jablonski

13. The following person is hereby appointed to the City of Franklin Civil Service Commission for the unexpired term beginning January 1, 2009 to December 31, 2015 (vacant seat formerly held by Matt Wilcher):

Joe Edwards

14. The following persons are hereby appointed to the City of Franklin Parks & Recreation Commission for four (4) year terms, January 1, 2012 to December 31, 2015:

Tim Crowe

Ron Simpson

15. The following person and his/her alternate are hereby appointed to the Miami Valley Regional Planning Commission Technical Advisory Committee (MVRPC-TAC) for a one (1) year term, January 1, 2012, to December 31, 2012:

Sonny Lewis, City Manager

Don Woods, Alternate

16. The following person is hereby appointed to the Franklin Regional Wastewater Treatment Corporation for a three (3) year term, January 1, 2012 to December 31, 2014:

Sonny Lewis, City Manager

Mr. Faulkner stated that he hadn't wanted to serve on the JEMS Board again, but agreed to with Mr. Wilcher being appointed for next year.

Ms. Fisher stated that this includes only two new appointments, the others are re-appointments.

Mr. Bray made the motion to adopt Resolution 2012-04; seconded by Mr. Aldridge. The vote:

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

Motion passed.

ORDINANCE 2012-01 EMERGENCY PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN A PRINCIPAL AMOUNT OF NOT TO EXCEED \$582,500 IN ANTICIPATION OF THE ISSUANCE OF BONDS TO PAY COSTS OF CONSTRUCTING STORMWATER DRAINAGE IMPROVEMENTS; EXTENDING BURROWS ROAD AND SHOTWELL DRIVE; AND IMPROVING CHARLOTTE RUPP ROAD, INDUSTRIAL DRIVE AND SUNNYBROOK DRIVE, TOGETHER WITH ALL NECESSARY APPURTENANCES AND DECLARING AN EMERGENCY

Ms. Morgan stated that this represents all the notes that were combined in 2008. We are making a \$400,000 payment and we anticipate paying off the notes in full in 2013. The notes are being bid competitively this year as we expect to get a better rate.

Mr. Hall made the motion to adopt Ordinance 2012-01; seconded by Mr. Aldridge. The vote:

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

Motion passed.

RESOLUTION 2012-05 APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE COLLECTIVE BARGAINING AGREEMENT WITH THE TEAMSTERS LOCAL UNION NO. 100, SERVICE DEPARTMENT

Mr. Lewis stated that the next two resolutions are in regards to the Service & Clerical unions negotiations – which the agreements were done in two meetings.

Mr. Lewis noted the following:

- Three year agreement:
 - 2012- ½% wage increase; bonus equal to 1% of salary
 - 2013 – 2% increase
 - 2014 – 2% increase
- Health insurance premium will increase in each contract year by ½% (12%, 12 ½% and 13%)
- Sick leave language was clarified

Mr. Lewis added he feels this is a fair agreement and recommends passage.

Mr. Bray stated that he is not happy with the 2% increase in 2013 & 2014 – feel it is too much – but in light of what happened with the police union negotiations, need to move on.

Mr. Bray made the motion to adopt Resolution 2012-05; seconded by Mr. Hall. The vote:

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

Motion passed.

RESOLUTION 2012-06 APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE COLLECTIVE BARGAINING AGREEMENT WITH TEAMSTERS LOCAL UNION NO. 100, CLERICAL UNIT

Mr. Lewis stated that this mirrors the Service Department Agreement and he recommends passage.

Mr. Bray made the motion to adopt Resolution 2012-06; seconded by Mr. Faulkner. The vote:

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

Motion passed.

RESOLUTION 2012-07 AMENDING RESOLUTION 2011-51, ESTABLISHING ORGANIZATIONAL LISTING AND PAY RATES FOR THE CITY OF FRANKLIN OFFICIALS AND EMPLOYEES FOR 2012

Mr. Lewis stated that this is a housekeeping item – to include the wages adopted by Resolution 2012-05 & Resolution 2012-06 for the Service & Clerical unions.

Mr. Hall made the motion to adopt Resolution 2012-07; seconded by Mr. Wilcher. The vote:

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

Motion passed.

RESOLUTION 2012-08 AUTHORIZING THE SALE OF PERSONAL PROPERTY UNDER THE CONTROL OF THE PUBLIC WORKS DEPARTMENT TO THE CITY OF TRENTON, OHIO

Mr. Lewis stated that the department has been purchasing equipment that is friendlier in making valve cuts. The hydro-stop was purchased several years ago and is not used as we've gone to a new system.

The City of Trenton has made an offer to purchase the hydro-stop machine for \$18,000.00. Mr. Lewis stated he recommends selling the hydro-stop machine as we don't use it anymore.

Mr. Wilcher asked the replacement cost for the machine. Mr. Lewis stated about \$36,000 to purchase. We paid \$32,000-\$34,000 for this machine – has paid for itself.

Mr. Faulkner made the motion to adopt Resolution 2012-08; seconded by Mr. Hall. The vote:

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

Motion passed.

RESOLUTION 2012-09 AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH THE OHIO AUDITOR OF STATE FOR THE PROVISION OF SERVICES

Ms. Morgan stated that State Law requires the City to convert its cash financial statements to an accrual basis for year-end reporting. The Local Government Services (LGS) is a division of the State Auditor's office and has provided this service to the City since 1981. This contract is the same amount that the City paid last year - \$25,350.00.

Mr. Faulkner asked if there are any other options. Ms. Morgan stated that a private CPA firm could be used; we have not gone out to bid; LGS was the first to offer this service and we have stayed with them.

Mayor Lipps asked if other cities use LGS. Ms. Morgan stated that Lebanon and Eaton does.

Mr. Aldridge stated that he'd like looking at using a CPA next year. Ms. Morgan stated that the State has put the audit services out to bid this year and that the same could be done for this next year.

Mr. Faulkner made the motion to adopt Resolution 2012-09; seconded by Mr. Wilcher. The vote:

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

Motion passed.

Mayor Lipps welcomed newly-elected Councilman Wilcher and noted that he has been working very hard to be prepared; and Chief Whitman's mother passed away unexpectedly, the visitation was tonight in which Mr. Lewis, Mr. Bray and I attended.

CITY MANAGER'S REPORT

Mr. Lewis reported on the following:

- Congressman Turner's Representative's meeting schedule for Franklin is in the packet
- Planning Commission updates on 2 conditional use permits that have been approved

- Article from Dayton Business Journal on a local business – AAA Wastewater, Mr. Tim DeHart CEO
- An executive session is needed tonight

LAW DIRECTOR'S REPORT

Ms. Fisher reported on the following:

- Reminder, Council's Goal Setting meeting is Saturday, February 11, 2012 at 9 a.m.
- Charter Review Committee met last Monday and will have 3 items to recommend to you

COUNCIL COMMENTS

Mr. Wilcher thanked the public for voting for him; look forward to working with Council and the Township; welcomed Mom's Restaurant; and look forward to working with everyone.

Mr. Bray thanked everyone for coming; welcomed Mr. DePew and Mr. Sample; ribbon cutting for Mom's Restaurant went well; condolences to Chief Whiteman and his family; and welcome Matt.

Mr. Aldridge welcomed Matt - look forward to working with you; welcome to Jenny Loxley; and Friday night, at the High School, a reception will be held for Doug Long who was inducted into the Ohio Hall of Fame for baseball.

Mr. Hall thanked all for attending tonight; welcome to Jenny Loxley; congrats to the Mayor Lipps & Vice Mayor Faulkner on their appointments; hope 2012 is a good year and welcome Matt.

Mr. Faulkner thanked everyone for coming; good to see Wilbur & Greg; welcome to Jenny Loxley & Matt; JEMS update – final carryover \$400,000+, have represented Council for six years and after this year, Matt will be attending, JEMS operations are unique to the State, valuable for Council to see how they operate and staff is to come up with options on how to provide EMS; and congrats to Mayor Lipps on the appointment as Mayor.

Mayor Lipps recognized Mr. Sample, Franklin Township Trustee.

Mr. Sample stated he is attending the meeting tonight on behalf of Franklin Township. The Township can't survive without the City – the City can survive without the Township. We need to figure out how to work together. He thanked Council for the opportunity to speak.

Mayor Lipps stated the Chamber meeting was today, Mr. DeHart is becoming involved, have 189 members which is a record; Mom's Restaurant has had people standing in line out the door; welcome to Jenny; welcomed Greg to tonight's meeting; like to see rotating meetings with the School Board and Franklin Township – discussion item for the retreat; thanks to the Fire Department for use of their meeting room, the DePew Room; JEMS is a difficult and challenging board – have to find a way to fix.

EXECUTIVE SESSION - TO DISCUSS POTENTIAL LITIGATION, PROPERTY ACQUISITION AND PERSONNEL

Mr. Bray made the motion to enter into executive session to discuss potential litigation, property acquisition and personnel, with no action afterwards; seconded by Mr. Aldridge. The vote:

Mr. Hall	yes
Mr. Centers	absent
Mr. Wilcher	yes
Mr. Faulkner	yes

Mr. Lipps yes
Mr. Bray yes
Mr. Aldridge yes

Motion passed.

Mayor Lipps and members of Council entered into executive session at 7:00 p.m. to discuss potential litigation, property acquisition and personnel.

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

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

Motion passed.

Mayor Lipps reconvened the meeting.

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

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

Motion passed.

Mayor Lipps adjourned the meeting.

Mayor

Clerk of Council