

**FRANKLIN CITY COUNCIL  
AUGUST 20, 2012**

Members of the Franklin City Council met in regular session on Monday, August 20, 2012, 6:00 p.m. at the Franklin City Building, Mayor Scott Lipps presiding.

Roll call showed:

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

There was one member of the press and 16 visitors at tonight's meeting. Also present: Mr. Jonathan Westendorf, Fire Chief; Mr. Don Woods, Zoning Official; Mr. Ross Colton, Assistant Safety Director; Ms. Donnette Fisher, Law Director; Mr. Sonny Lewis, City Manager and Mrs. Jane McGee, Clerk of Council.

The Pledge of Allegiance was led by Lorna Ball.

Mr. Faulkner made the motion to approve the Clerk's Journal and accept the tapes as the official minutes of the August 6, 2012 regular meeting; seconded by Mr. Wilcher. The vote:

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

Motion passed.

#### RECEPTION OF VISITORS

Ken Johnson, 1610 Dixon Court, Middletown, read the attached statement, asking for a controlled left turn lane on Second Street for Cazadores Restaurant. Mr. Johnson stated that Mr. Gary Heitkamp, Kleingers & Associates Engineering, discussed with him about a turn lane in exchange for the two driveways at Kemper's; traffic count has been done which allows a turn lane; have discussed with Mr. Lewis and Mayor Lipps; have a lot of customer traffic from I-75 and Springboro and you can't make a u-turn at Wells Bridge & West Lawn to get to Cazadores Restaurant and it is hurting their business.

Much discussion followed on the proposed turn lane; possibility of Cazadores leaving the City – want to keep them; Planning Commission adopted the Comprehensive Plan in 2008 and only one property owner voiced concern at that time.

Mr. Johnson stated the City Engineer had designed the turn lane (into Cazadores) and that's what he agreed to and thought was approved.

Mayor Lipps stated that the new option (turn lane) went to the Planning Commission (8/13/12 meeting) and it died for lack of a motion. They did say to give it 90 days to see what happens with the traffic.

Mr. Lewis stated there was discussion on this option (turn-lane) at the Planning Commission meeting and it died for lack of a motion. This only addresses Mr. Johnson's concerns, no other business in this area. Mr. Lewis noted that other issues also need addressed, as this area is growing. Mr. Lewis stated his recommendation is to give the current traffic pattern a chance, do care about what happens at Cazadores; been counting cars on weekends, and they seem busy; don't know if it has hurt the business during the week.

Discussion continued on the u-turn and if the owner of NAPA has expressed any concerns. Mr. Lewis stated the u-turn is a problem and it will be restriped and the owner of NAPA has been contacted and he hasn't expressed any concerns.

Sergio Flores, 1341 Emily Beth Drive, Miamisburg, Ohio, President of the corporation operating Cazadores Restaurant, stated it has affected their business tremendously (no left turn) and we are also receiving negative feedback from the customers; have a lot of customers from I-75 & Springboro and we are known for quick lunches. He added that they don't want to leave the City; sales are down 20%, cars are deceiving; location can kill a business; easy in & out, fast service at good price is what we offer; want to continue business and service here; and have seen down sales & unhappy customers.

Discussion continued on the u-turn; if Planning Commission can discuss again; why the objection to the turn lane; safety concern of stacking cars & the plans have already been approved and if the plans were changed, the project would have to stop.

Mayor Lipps asked when the next Planning Commission meeting is. Mr. Lewis stated in September. Ms. Fisher added the Planning Commission said to wait 60 days and see what happens. Mr. Centers confirmed that's what Planning Commission said - we will look at it then.

Mayor Lipps stated it will be re-stripped and we will check with you regularly (Mr. Flores). Mr. Flores stated he wants to stay in Franklin but is prepared to move. Mr. Johnson added that u-turn intersections have more accidents than stacking.

Mr. Centers explained how this came about. Mr. Johnson came to Planning Commission wanted a turn lane. We asked the City Engineer to look at it and see if there was anything that could be done. The City Engineer came back with this plan - he didn't recommend it and said it could stack 2 cars and the 3<sup>rd</sup> car would be hanging out in the lane. The City Engineer didn't recommend it and the Planning Commission did not approve it. Mr. Johnson said he had emails from the City Engineer.

Mayor Lipps stated it will be restriped as soon as possible; City will keep in touch with you and it will be back on a Planning Commission agenda & to also notify Council.

Freddie Manzano, 711 David Boulevard, stated a lot of our customers say they are uncomfortable trying to make the u-turn; more dangerous to have u-turn than a left turn lane; are concerned about this situation; customers are upset & is affecting business; and it takes longer to get to Cazadores and we are known for our fast lunches.

Joe Harris, 525 Mission Lane, Apt. 403, stated they are doing a nice job on Mission Lane; the sidewalks in front of the building (PK Management owns) are dangerous, especially for the elderly, and appreciate any help you can give us in getting the property owner to repair; and the Church property on Hill Street is empty, doors broken, and have concerns of vandalism (has been boarded up).

Mr. Lewis stated there is a process we have to go thru in regards to fixing sidewalks, will check and send a letter. Mr. Bray added all City sidewalks need checked.

Rick Nunamaker, David Boulevard, addressed Council and stated he volunteers for the Police Department and likes to volunteer.

Ken Scarce, 4120 Beal Road, stated when Council took their positions, you took an allegiance to represent the City in a positive manner and be a good ambassador. It has been two months since we've heard anything about the 800 lb gorilla in the room; have heard it's been said that "it's none of their business", it is the taxpayers business; there's been no apology & we are the laughing stock of the Miami Valley. Mr. Scarce also noted Mr. Johnson's service in WWII and added it was honor to be in his presence and thanked him for his service.

**LIQUOR PERMIT NEW D1 AND D2 (BEER AND WINE FOR ON-PREMISES CONSUMPTION)  
LIQUOR PERMIT FOR MATERA CAFÉ LLC, 1219 E. SECOND STREET**

Ms. Fisher stated she checked the website and we have a D1 and a D2 permit available. Ms. Fisher added she thinks these were the Bistro's licenses as we haven't had any communication in regards to their appeal. She has a call into the State and hasn't heard anything yet.

There being no motion made requesting a hearing, the liquor permit will be returned that the Council does not request a hearing.

Mr. Centers asked if a new business came to town, can we give them a liquor license. Ms. Fisher stated no, the liquor license would have to be available. They are based on population and they would have to apply for what is available (from the State).

**RESOLUTION 2012-43 AUTHORIZING THE CITY MANAGER TO EXECUTE A ONE-YEAR  
ADDENDUM TO THE SOLID WASTE & COMMINGLED RECYCLABLES COLLECTION AND  
DISPOSAL SERVICES CONTRACT WITH RUMPKE OF OHIO, INC.**

Mr. Lewis stated that this authorizes a one year renewal of the current contract with Rumpke. This is the second renewal and the Utility Committee recommends. The renewal is a \$.40 increase and we still have one renewal available.

Mr. Bray made the motion to adopt Resolution 2012-43; seconded by Mr. Centers. The vote:

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

Motion passed.

**RESOLUTION 2012-44 ESTABLISHING THE RATES FOR SOLID WASTE, RECYCLING AND  
YARD WASTE COLLECTION IN THE CITY OF FRANKLIN FOR THE PERIOD FROM  
OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2013**

Mr. Lewis stated that this establishes the rates for residents for the next year – represents a \$.40 increase to \$15.36 per unit.

Mayor Lipps added that we are competitive with the surrounding cities.

Mr. Hall made the motion to adopt Resolution 2012-44; seconded by Mr. Faulkner. The vote:

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

Motion passed.

#### CITY MANAGER'S REPORT

Mr. Lewis stated that a Safety Committee meeting is needed & he will be contacting the members.

Mayor Lipps reported on the new approval of a plan for Clean Energy – the first in the State of Ohio. Mr. Lewis stated it's going in at Pilot – natural liquid gas fueling station –which will be cleaner. Mr. Centers said this is 3 times more cost effective than diesel – cleaner & greener. They are starting to strategically locate them so trucking companies can start routing trucks that have been converted to the liquid gas. Mayor Lipps added that this is commercial only – diesels converting to natural gas – this is the first one and they hope to be operational by the end of the year.

#### LAW DIRECTOR'S REPORT

Ms. Fisher reported on the following:

- No September 3, 2012 Council meeting –Labor Day holiday
- A copy of the proposed traffic code update is on the podium for you to review; the Prosecutor and Police Chief have reviewed
- An executive session is needed to discuss pending legislation

#### COUNCIL COMMENTS

Mr. Hall stated the car show was fantastic & Gary does an outstanding job; was told a mortgage company was going in the Clark's building, what happened.

Mr. Bray stated the car show was a great event; and need to open the bathrooms at the Park (at High School football field), need them – consensus of Council agreed.

Mr. Centers stated he had nothing tonight.

Mr. Wilcher stated the car show was awesome; bike route has a lot traffic, need to pursue signs, etc; and need to discuss the crime downtown at the Safety Committee.

Mr. Centers added that when he was Mayor, he meet with the Police Chief regularly, a lot is done by the department and the drug problem is everywhere.

Mr. Faulkner thanked everyone for coming; Fast Apps contracted him about a mobile app for the web site; Chief Riddiough, thanks for attending; Issue I passed and thanks for the support and look forward to working with Chief Riddiough.

Mayor Lipps thanked everyone for attending; at the Chamber meeting today, concerns about the downtown was voiced; car show was great; we will continue to work on issues; Mr. Faulkner will be attending the August School Board meeting; and thanks to Mr. Brian Graves for coming tonight.

Mr. Bray stated he is seeing more communication with downtown businesses. Mr. Centers stated he's seen pit bulls downtown and asked if they have to be muzzled. (Ms. Fisher stated state law has changed and we are working on it). Mr. Faulkner welcomed back Mr. Ross Coulton.

Mr. Faulkner made the motion to enter into executive session to discuss pending litigation, with no action afterwards; seconded by Mr. Centers. The vote:

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

Motion passed.

At 7:37 p.m., Mayor Lipps and members of Council entered into executive session to discuss pending litigation.

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

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

Motion passed.

Mayor Lipps and members of Council exited the executive session.

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

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

Motion passed.

Mayor Lipps adjourned the meeting.

---

Mayor

---

Clerk of Council