

FRANKLIN CITY COUNCIL
JANUARY 7, 2013

Members of the Franklin City Council met in regular session on Monday, January 7, 2013, 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	present
Todd Hall	present

There was one member of the press and 13 visitors at tonight's meeting. Also present: Mr. Ross Coulton, Assistant Safety Director; Mr. Jonathan Westendorf, Fire Chief; Mr. Russ Whitman, Police Chief; Ms. Sandra Morgan, Finance 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 Bob Bowman.

Mr. Hall made the motion to approve the Clerk's Journal and accept the tapes as the official minutes of the December 17, 2012 regular meeting; seconded by Mr. Centers. The vote:

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

Motion passed.

PRESENTATIONS - FRANKLIN AREA HISTORICAL SOCIETY - MR. BOB BOWMAN,
PRESIDENT

Mr. Bowman, newly elected President of the Franklin Area Historical Society, presented information to Council on their mission & current officers of FAHS. Two centennial events are occurring this year – the 100th anniversary of St. Mary's Catholic Church and The Great 1913 flood. Last year, a special symposium was held on the 1913 flood. The FAHS will be holding commemorations of the 1913 Flood in various locations in Warren County; on April 8th a meeting will be held at the Franklin Public Library. Mr. Bowman explained that FAHS has a lot of documents & artifacts about the 1913 flood and has applied for funds to do a finding guide of the Great 1913 Flood exhibits. Matching funds are required and we would welcome any funds the City can contribute.

Mayor Lipps stated that he attended the event held last year & thanked him for attending tonight.

RECEPTION OF VISITORS

None tonight.

PUBLIC HEARING ORDINANCE 2012-29 AUTHORIZING THE PURCHASE OF REAL PROPERTY LOCATED AT 220 SOUTH RILEY BOULEVARD FROM THOMAS WORTLEY

Mr. Lewis stated that staff is recommending to purchase the building behind the Fire Department. It was talked about last year at Council's retreat. It has been discussed by the Finance Committee. Information on current storage costs are in the packet. We have numerous uses for the building: Police evidence room, vehicle storage, record storage, K-9 training equipment and CPAT equipment stored, and public works will also use. The cost of the building (total 1.8+ acres) is \$259,000.00; \$100,000 from Property Acquisition Fund; \$100,000 from Fire Fund and \$59,000 from General Fund.

Mr. Faulkner asked what the original asking price was. Mr. Lewis stated it was appraised at \$275,000 & we are receiving a credit for some roof repair - \$259,000 current price.

Mr. Centers asked if we have done an accurate assessment of the building. Mr. Lewis stated yes, it is an ARMCO building will have to do some repair, in fairly good shape; don't see any major expenses and we will do most of the work.

Mr. Faulkner asked if, at first, the asking price was more. Mr. Lewis stated he's been a good neighbor and it was agreed to use the appraisal amount – which we have done. Staff feels it is a good opportunity and investment for the City and the timing is right.

Mr. Bray stated that he has been through the building and also the storage facility in Carlisle. He handed out information to Council & stated the following as to his concerns: feel there is plenty of room at the Carlisle facility if it is cleaned up & it has heat & air conditioning; Wortley Building is large and lots of possibilities; front offices need work and the roof repairs are needed in this area. The location is the best asset of the deal; considering cost to purchase, estimated cost of utilities and maintenance costs unknown – need to assess what these will be. With the budget forecast, City could be broke by 2018 if we continue at the current rate of revenues lost. Also, don't know the affects of HB 601 – City could lose \$400,000+ to the General Fund.

Ms. Morgan noted that updated budget projections are on the podium tonight – we didn't spend the entire budget this year and isn't as negative as it appears.

Mr. Bray continued the choices are: 1) continue renting the Carlisle building & clean it out to store items; 2) save money until balance budget and see what happens with HB 601; or 3) don't think the building is going anywhere right now; we are under no pressure to buy/use the building, wait & see how finances are before buying.

Mr. Lewis stated that in 2008-2010 things were not good, but budget has been balanced in 2011 & 2012. The levy passed and we re-instated several items. We had \$9.1 million in revenues, \$8.8 million expenses, which added \$200,000 to this year's carry over balance over last year's. This was the result of appropriations not being spent; Ms. Morgan is very conservative projecting revenues. We meet a couple times a month on the budget and we are headed in the right direction. We can't project 2018; it's hard to project for the next 3 years. We have a balanced budget, don't do frivolous spending at the end of the year, always looking at ways to save money, optimistic about the purchase, always looking at ways to save money and always seeking economic development.

Mr. Bray stated he has concerns that HP 601 will break us. Mr. Lewis stated that the bill is coming back, CPA's are backing it, cities have a coalition & working with the law makers – are some good items in it but it needs to be revenue neutral.

Ms. Fisher added that every City in Ohio will lose money if this passes.

Mayor Lipps stated on February 6, 2013 at noon, the OML is sponsoring a Mayors Conference to discuss HB 601. The bill has been revised and is coming back.

Mr. Lewis stated he appreciated Mr. Bray's concerns; we have the money to purchase the building, staff & I recommend moving forward.

Mr. Wilcher asked if we need more storage – for things that are being stored outside now. Mr. Lewis stated we need storage. We have had outside storage for years and this will help free up space at the Public Works Department. With the start up of EMS, we told the public we could house 2 ambulances. Now we have a third ambulance, no room to put inside and have to store it outdoors. This building would be an ideal place to put it. Mr. Lewis added he feels this is a great opportunity to get the building.

Mr. Wilcher stated it doesn't make sense to rent; need to have records closer – this is as good as any time to do the purchase. He asked Council to consider and make the purchase.

Mr. Hall stated that the vote at Finance Committee was 2-1. He sees potential of the building and access for us; don't see another business in the building; and is a win-win for us. Mr. Hall added we should buy it & he is confident costs will be kept down – shouldn't let this pass us by.

Mayor Lipps 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. Faulkner made the motion to adopt Ordinance 2012-29; seconded by Mr. Hall. The vote:

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

Motion passed.

EMERGENCY ORDINANCE 2013-03 ESTABLISHING A SEVEN-MONTH MORATORIUM ON THE ESTABLISHMENT OR COMMENCEMENT OF OPERATIONS OF CHECK-CASHING BUSINESSES, CREDIT SERVICE ORGANIZATIONS, SHORT-TERM LOAN LENDERS, MORTGAGE LOAN LENDERS AND SIMILAR ALTERNATIVE FINANCE SERVICE PROVIDERS

Ms. Fisher stated that we received a letter from the law firm of Buckingham, Doolittle & Burroughs about the expansion of these establishments. This places a 7 month moratorium, expiring July 31, 2013 on the establishment or commencement of these establishments. We can't control how they operate their business but we can control where they are located. This will allow Planning Commission to study this issue. This is an emergency ordinance as there is only one meeting in January and February and it will expire on the 61st day after adoption. A regular ordinance is also needed and is to be introduced tonight. This doesn't affect existing business.

Mr. Centers questioned the zoning. Ms. Fisher stated it falls under Commercial zoning.

There was discussion on how these establishments work.

Mr. Hall made the motion to adopt Ordinance 2013-03; seconded by Mr. Wilcher. The vote:

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

Motion passed.

RESOLUTION 2013-01 APPOINTING A MEMBER OF COUNCIL AS MAYOR FOR THE YEAR 2013

Mayor Lipps opened the floor for nominations for Mayor.

Mr. Bray nominated Mr. Hall for Mayor; seconded by Mr. Centers.

There being no further nominations, Mayor Lipps closed the nominations.

The vote for Mr. Hall as Mayor:

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

Motion did not pass as it was a tie vote with one abstains.

There not being a majority vote, nominations for Mayor will be redone.

Mayor Lipps opened the floor for nominations for Mayor.

Mr. Hall withdrew his name for nomination.

Mr. Wilcher nominated Mr. Lipps for Mayor; seconded by Mr. Faulkner.

There being no further nominations, Mayor Lipps closed the nominations.

The vote for Mr. Lipps as Mayor:

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

Motion passed.

Mr. Lipps is appointed Mayor for 2013.

RESOLUTION 2013-02 APPOINTING A MEMBER OF COUNCIL AS VICE-MAYOR FOR
THE YEAR 2013

Mayor Lipps opened the floor for nominations for Vice Mayor.

Mr. Aldridge nominated Mr. Hall; seconded by Mr. Faulkner.

There being no further nominations, Mayor Lipps closed the nominations.

The vote for Mr. Hall as Vice Mayor:

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

Motion passed.

Mr. Hall is appointed Vice Mayor for 2013.

RESOLUTION 2013-03 APPOINTING COUNCIL MEMBERS TO THE COMMITTEES OF
COUNCIL FOR THE YEAR 2013

Mayor Lipps read the list of Council members appointed to Committees of Council for 2013.

FINANCE

Jason Faulkner, Chairman
Matt Wilcher
Carl Bray

SAFETY

Scott Lipps, Chairman
Michael Aldridge
Denny Centers

PUBLIC WORKS AND UTILITIES

Carl Bray, Chairman
Todd Hall
Jason Faulkner

GOVERNMENT AFFAIRS/FACILITY NEEDS

Todd Hall, Chairman
Jason Faulkner
Carl Bray

PLANNING AND ECONOMIC DEVELOPMENT

Michael Aldridge, Chairman
Denny Centers
Scott Lipps

PARKS & RECREATION

Matt Wilcher, Chairman

Michael Aldridge

Scott Lipps

ENVIRONMENTAL AFFAIRS

Denny Centers, Chairman

Matt Wilcher

Todd Hall

Mr. Bray stated he has a problem with Mr. Faulkner being Chairman of Finance Committee as he has been on the JEMS Board the past several years and did a terrible job with their finances.

Mr. Centers made the motion to adopt Resolution 2013-03; seconded by Mr. Aldridge. The vote:

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

Motion passed.

RESOLUTION 2013-04 APPOINTING COUNCIL MEMBERS AND MEMBERS-AT-LARGE TO CERTAIN DULY AUTHORIZED BOARDS AND COMMISSIONS OF THE CITY OF FRANKLIN, OHIO AND TO OTHER REGIONAL BOARDS AND COMMISSIONS

Mayor Lipps read the following appointments:

The following member of Council is hereby appointed to the City of Franklin Planning Commission for a one (1) year term, January 1, 2013 to December 31, 2013:

Denny Centers

The following members of Council are hereby appointed as members of the Volunteer Firefighters' Dependents Fund for a one (1) year term, January 1, 2013 to December 31, 2013:

Carl Bray

Matt Wilcher

The following member of Council and his alternate are hereby appointed to the Miami V Valley Regional Planning Commission (MVRPC) for a one (1) year term, January 1, 2013 to December 31, 2013:

Michael Aldridge

Sonny Lewis, Alternate

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, 2013 to March 31, 2014:

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

The following person is hereby appointed to the Warren County Board of Health for a one (1) year term, January 1, 2013 to December 31, 2013:

Adam McClanahan

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, 2013, to December 31, 2013:

Sonny Lewis, City Manager	Don Woods, Alternate
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The following persons are hereby appointed to the Board of Trustees of the Franklin Homeowners' Association for a four (4) year term, January 1, 2013 to December 31, 2016:

Wilbur DePew	Cicero Feltner
Bob Knipper	Jane McGee
Paul Scheuermann	Robert Ward

Mayor Lipps questioned why Mr. Scheuermann is being appointed as he doesn't live in Franklin and there are several Franklin residents & business owners that should be considered.

There was some discussion on the requirements to be appointed to Franklin Homeowners; participation in the program and that there is also a vacancy that needs filled due to Mr. Ehlert's ill health – total of 7 members; and the appointments don't have to be made tonight.

A list of names will be given to Mrs. McGee to contact to see if they are interested in serving on Franklin Homeowners.

Mr. Centers made the motion to adopt Resolution 2013-04, deleting Section 7, the appointments to Franklin Homeowners; 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	yes

Motion passed.

INTRODUCTION OF NEW LEGISLATION:

Mr. Faulkner introduced the following legislation:

Ordinance 2013-01 Amending the Official Zoning Map of the City of Franklin, Ohio, to rezone the property located at 939 S. Main Street from R-3, "Central Residential District," to C-2, "Community Commercial District"

Ordinance 2013-02 Amending the Official Zoning Map of the City of Franklin, Ohio, to rezone the property located at 1107 S. Main Street from R-3, "Central Residential District," to C-2, "Community Commercial District"

Ordinance 2013-04 Establishing a seven-month moratorium on the establishment or commencement of operations of check-cashing businesses, credit service organizations, short-term loan lenders, mortgage loan lenders and similar alternative finance service providers

CITY MANAGER'S REPORT

Mr. Lewis stated at Noon last Wednesday, the City started to provide EMS service. They have been busy, 30 runs and receiving great feedback.

Mr. Westendorf stated, to date we have had 30+ runs and they have been coming in two's. We have received a 3rd squad & it is not in service yet, needs a lot of work; dispatchers are doing a fabulous job, fast response times, crews working hard and getting back into service in the City sooner than we expected. It's going very well – have great people, nothing but good things to report, good feedback from the hospital and still a lot to learn.

Mayor Lipps asked if we are calling in mutual aid when both ambulances are out. Mr. Westendorf, stated not at this time because of the cross training we have - the fire equipment can respond and provide care. We will call for mutual aid, if needed, to transport.

Mr. Faulkner stated it was very exciting last Wednesday and he appreciates Council's support & thanked the Chief and staff.

Mayor Lipps stated he stopped by the day before, everyone was very anxious with nervous smiles, to get started. Mayor Lipps also thanked Chief Westendorf and Mr. Lewis.

Mr. Centers stated he was very impressed with the start-up - great job - will be a great advantage for the City.

Mr. Lewis wished everyone a Happy New Year.

Mr. Lewis stated he, along with Mr. Bray, attended the recent meeting at Warren County about making full-time judges in the Franklin & Lebanon Municipal Courts. Judge Ruppert spoke presenting the same information as what he presented to Council. There was some opposition from Judge Oda; Les Spaeth, Clerk of Courts, had some concerns. Prosecutor Fornshell also had concerns. The City of Lebanon, Mr. Bray and I also spoke of our concerns. They are putting out a RFQ for a review & study. Don't know if we will be part of the study. The process will not be quick – 6-9 months or longer; and can go away if the Governor appoints someone to that Judgeship.

Mr. Bray added there are 5 Courts in Warren County currently; with two of them satellite Courts with Judge Oda & Judge Joey Kirby. Judge Oda has resigned and taken a higher Court. They are talking about taking his cases, approximately 4,000, and dividing them between Franklin and Lebanon from Clearcreek. Judge Ruppert says we can absorb the additional 2,000 cases and they will bring in another \$200,000 in fines. We subsidize the Court now \$500,000 year. There will be additional costs to making the Court full-time. If this happens, Warren County is going to get rid of one of the Courts, which they subsidize \$600,000 year. Mr. Bray stated he asked, if this happens, to give \$200,000 to Franklin & Lebanon to help with Court costs.

There was discussion on how this will work – if additional Court days will be needed, additional staff, kind of cases, number of cases, current Court trends and possible revenues that will be received.

Mr. Bray also noted that Judge Flannery may be retiring and be replaced by Judge Kirby. We need to look at all the negatives and positives.

Mr. Lewis stated that the study should look at all possibilities, including one central location. Mr. Lewis added to let Ms. Fisher know of any of your concerns.

Ms. Fisher added that State law has to be changed, with everyone agreeing, to make any changes in the Court system.

LAW DIRECTOR'S REPORT

Ms. Fisher wished everyone a Happy New Year and there is no meeting on January 21, 2013 as it is Martin Luther King Day. The City Building will be open.

COUNCIL COMMENTS

Mr. Bray stated the Court update was all he had tonight.

Mr. Aldridge thanked everyone for coming and a Happy New Year and thanks to Mr. Bowman.

Mr. Centers stated he has received good comments about the snow removal; need to keep ramps clean at I-75/SR 123 and there is a street light out at Third & Main Streets.

Mr. Wilcher thanked everyone for coming; great first year and we've all worked past differences & indifferences to make Franklin better.

Mr. Hall wished everyone a Happy New Year.

Mr. Faulkner stated he wanted to publicly say that his no vote for Mr. Hall as Mayor was not indicative of his feelings toward Mr. Hall, hold him great esteem, respect him and think he is a great representative of Franklin. I like the player, not the game, very frustrated with the process we sometimes go thru in choosing a Mayor; always last minute drama at the end of the year and hope we can avoid it next year. Thanks for all the work on EMS; thanks for all the good wishes for my daughter, should be dismissed this week and will make a full recovery and thanks to the Mayor.

Mayor Lipps thanked Chief Whitman for his help this past weekend; thanks to Mr. Aldridge for the program at the High School with Representative Maag attending the basketball game to recognize the boys basketball team and the cheerleaders; thanks for the opportunity to serve again and thanks for coming tonight.

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

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

Motion passed.

Mayor Lipps adjourned the meeting at 7:47 p.m.

Mayor

Clerk of Council