

FRANKLIN CITY COUNCIL
JUNE 3, 2013

Members of the Franklin City Council met in regular session on Monday, June 3, 2013 at 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 4 visitors at tonight's meeting. Also present; Ms. Sandra Morgan, Finance Director; Mr. Jonathan Westendorf, Fire Chief; Mr. Ross Coulton, 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 Mr. Ellis Ball.

Mr. Faulkner made the motion to approve the Clerk's Journal and accept the tapes as the official minutes of the May 6, 2013 regular meeting; seconded by Mr. Wilcher. 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.

RECEPTION OF VISITORS

None tonight.

EMERGENCY ORDINANCE 2013-12 EXTENDING THE MORATORIUM ON THE ESTABLISHMENT OR COMMENCEMENT OF OPERATION OF "INTERNET/SWEEPSTAKES" CAFES OR SIMILAR USES UNTIL JUNE 30, 2014 AND DECLARING AN EMERGENCY

Ms. Fisher stated that this moratorium was established in August, 2011; extended until August 31, 2012 and then extended again until June 30, 2013 to match the statewide moratorium. Legislation is currently pending at the State and not sure what is going to happen with it. This will extend the moratorium until June 30, 2014, and matches what the State has done. This is an emergency as the current moratorium expires June 30, 2013.

Mr. Hall made the motion to adopt Ordinance 2013-12; seconded by Mr. Faulkner. 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.

RESOLUTION 2013-21 DIRECTING THE WARREN COUNTY AUDITOR TO LEVY A TAX OUTSIDE OF THE TEN-MILL LIMITATION AFTER APPROVAL BY THE VOTERS

Mr. Lewis stated that last November, we passed legislation to waive 1 mill of the 3.5 mill levy as the tax was also being collected by JEMS for the 2012 tax year. This restores the 3.5 mill to be collected as the JEMS tax will not be collected for Franklin residents for the 2013 tax year.

Mr. Faulkner made the motion to adopt Resolution 2013-21; seconded by Mr. Bray. 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 2013-22 AUTHORIZING REIMBURSEMENT OF UP TO \$3,500 TO WARREN COUNTY KUSTOMS FOR THE FRANKLIN DOWNTOWN SATURDAY NIGHT CAR SHOW

Mr. Lewis stated the Warren County Kustoms Car Show will be August 10, 2013. Last year, the City approved up to \$3,500 for the event and they are asking for the same this year. We are working on building a stage but don't know if it will be ready by then. The Finance Committee recommends a reimbursement up to \$3,500.00.

Mr. Bray made the motion to approve Resolution 2013-22; seconded by Mr. Wilcher.

Mr. Aldridge questioned if there is a crowd count for the event. Mr. Lewis stated no, but we have pictures which show the downtown packed; have no way of knowing and all the downtown businesses benefit.

Mayor Lipps stated Mr. Bates estimated 7,500 people at a past event. In talking with Mr. Bates, he has a couple of bands with big followings this year and is also advertising on the radio.

Mr. Faulkner stated that the Finance Committee discussed and approved this request.

The vote:

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

Motion passed.

RESOLUTION 2013-23 AWARDING THE BID AND AUTHORIZING EXECUTION OF THE CONTRACT WITH NORMAC LLC FOR THE 2013 MUNICIPAL PAVING PROJECT

Mr. Lewis stated that the following bids were received for the 2013 Municipal Paving Project.

	<u>Base</u>	<u>Alt. #1</u>	<u>Alt. #2</u>	<u>Total Bid</u>
Normac	\$240,038.90	\$20,145.50	\$33,224.75	\$293,409.15
Jurgensen	\$288,454.00	\$22,396.75	\$43,149.25	\$354,000.00
Barrett	\$300,306.80	\$23,080.55	\$44,806.25	\$368,193.60

The Streets to be paved:

- Millard Drive - 2nd Street to 4th Street
- Gribble Drive
- Cris Ct., Robinson Ct., Black Drive & Rossman Ct.
- Stadia Drive - Arlington to dead-end
- Roberts Avenue & Clark Street
- Harrison Avenue

Alternates 1 & 2:

- Harpwood Drive – 400 Harpwood to Stadia
- Melanie Drive – Stadia to dead-end

Mr. Lewis stated his recommendation is to accept the bid from Normac Company in the amount of \$293,409.15, which includes the two alternates. This has been reviewed by the City Engineer. There were a couple of math errors in Jurgensen's bid but didn't affect the bid result.

Mr. Bray asked if any additional streets will be done since the cost is below the Engineer's estimate. Mr. Lewis stated we can only add 10% over the actual cost. We are going to do the parking lot at the Police Department and at the river (kayak launch). The money not used will be allocated for a future project.

Mr. Centers stated that at 6th Street, between Riley & Anderson, it is very rough and asked if anything is going to be done with this area. Mr. Lewis stated that this will be done with the 2014 Urban Paving Project; will look at and will do patching until the project is done.

Mr. Hall made the motion to adopt Resolution 2013-23; seconded by Mr. Aldridge. The vote:

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

Motion passed.

RESOLUTION 2013-24 AMENDING RESOLUTION 2012-65, AUTHORIZING POSITION TITLES AND THE NUMBER OF POSITIONS FOR EACH TITLE FOR CITY OF FRANKLIN PERSONNEL FOR 2013

Mr. Lewis stated at the last meeting, Council authorized the pay scale for the City Engineer/Zoning Official position. This resolution authorizes the position.

Mr. Hall made the motion to adopt Resolution 2013-24; seconded by Mr. Faulkner. The vote:

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

Motion passed.

**RESOLUTION 2013-25 AMENDING THE POSITION DESCRIPTION FOR THE
UNCLASSIFIED POSITION OF CITY ENGINEER/ZONING OFFICIAL**

Mr. Lewis stated that this establishes the job description for the City Engineer/Zoning Official position.

Mr. Bray asked if he has someone in mind.

Mr. Lewis stated he has talked to several people. This will be good for Franklin. The position should pay for itself; will still have to use Kleingers and will know within the next several days if the position is filled. They will do two positions – engineering & zoning – and stormwater.

Mr. Bray made the motion to adopt Resolution 2013-25; seconded by Mr. Hall. The vote:

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

Motion passed.

**RESOLUTION 2013-26 AUTHORIZING THE PURCHASE OF A HEART MONITOR FOR THE
FIRE & EMS DIVISION THROUGH THE STATE PURCHASING PROGRAM**

Chief Westendorf stated we submitted an application last year for ems supplies before the levy passed. The levy passed and the grant has been approved. This will allow the purchase of a Life Pack 15 monitor at a cost of \$32,595.51; our cost is \$1,629.78 and it will be placed on the second out ambulance.

Mr. Faulkner made the motion to adopt Resolution 2013-26; seconded by Mr. Centers. 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.

**RESOLUTION 2013-27 REMOVING PATRICK LYONS, JUDY STOUT AND
HEATHER SCHULTE AND APPOINTING STEPHEN DINARDO TO THE CITY OF FRANKLIN
SPECIAL EVENTS COMMITTEE**

Chief Westendorf stated there are some personnel changes on Special Events. This removes Patrick Lyons, Judy Stout and Heather Schulte as they no longer participate. Mr. DiNardo has been volunteering over the last year and this appoints him to the Committee. Also, we have two new people joining us at our next meeting who are volunteering.

Events coming up: River Ride next Saturday; 4th of July Parade. Also having kayak launch next week trying to change the perception of the Great Miami River to get people to use it.

Mr. Centers stated there has been a stigma in the past about the river – it is clean now. Mr. Lewis added that EPA has said that you can eat the fish.

Mr. Bray asked if the parking lot will be paved. Chief Westendorf stated yes. Discussion continued on educating the people about the river; underwater obstacles; future events to hold on the river; people need to be educated on how to use the river; and the River Ride is being advertised in the Dayton Dragons advertisement; and need someone to take pictures of City events. Chief Westendorf stated he has talked with Charlie Woods about taking pictures of City events.

Mr. Hall made the motion to adopt Resolution 2013-27; seconded by Mr. Faulkner. 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.

RESOLUTION 2013-28 APPOINTING THE BOARD OF TRUSTEES OF THE FRANKLIN HOMEOWNERS' ASSOCIATION

Mrs. McGee stated that this appoints members to the Franklin Homeowners Association. There is one vacancy & we have three letters of interest – Darlene Hicks, Steve Simpkins & Tom Wiggerhaus. The remaining members have agreed to serve again.

Mr. Faulkner made the motion to adopt Resolution 2013-28 appointing Bob Knipper, Wilbur Depew, Bob Ward, Paul Scheuerman, Cicero Feltner, Jane McGee and Darlene Hicks to Franklin Homeowners Association; seconded by Mr. Bray. 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.

INTRODUCTION OF NEW LEGISLATION

Mr. Bray introduced the following legislation:

Ordinance 2013-09 Amending Chapter 1103, Section 1107.03, Section 1113.01 and Section 1113.02 of the City of Franklin Unified Development Ordinance

Ordinance 2013-10 Determining to Proceed with the Improvement of City Streets and Public Ways by the Lighting Thereof for the Year 2014

Ordinance 2013-11 Extending the Moratorium on the Establishment or Commencement of Operation of "Internet/Sweepstakes" Cafes or Similar Uses until June 30, 2014

Ordinance 2013-13 Amending Certain Sections of the City of Franklin Traffic Code to be Concurrent with State Law through July 1, 2013

Public hearings will be held June 17, 2013.

CITY MANAGER'S REPORT

Mr. Lewis reported on the following:

- The water problem on Kristine has been taken care of
- Issue of someone hit on Michaels/Sherman: Mr. Coulton stated we are not for sure that this happened, conflicting reports from 3 different witnesses, and the driver has been charged for alcohol
- Received the Safe Routes to School Grant & will be working with the schools on; is 100% funded
- Applied for a stream restoration grant, Ohio EPA, for behind Foster, 60/40 grant
- Bike Show June 8, 2013; 2 pm to 10 pm, no closures; will be at the City Building lot & at 4th Street
- River Ride – in conjunction with, WesBanco Bank is having a Community Day
- Working with the Chamber to have a Farmer's Market
- Installed another siren on Beal Road; one more to install for a total of 5
- Will have a ribbon cutting at the canoe/kayak launch, will let you know when it is
- Premier Health Care is opening a doctor's office in Franklin Square

LAW DIRECTOR'S REPORT

Ms. Fisher reported on the following:

- There is a vacancy on Planning Commission and we have 3 interested applicants & Planning Commission has no recommendation. She asked Council if they want to interview the applicants at their June 17th meeting. Mr. Faulkner stated that he doesn't think we have to go that extent. Mayor Lipps stated to provide the letters of interest to Council to review and then they will decide if they want to interview the applicants.

COUNCIL COMMENTS

Mr. Centers asked about the tornado sirens – when they are set off, he was told once that it means the conditions are favorable – is it still the same. Mr. Lewis stated he will check & let him know. Chief Westendorf stated if fire or police personnel see one, the sirens are set off; if a tornado warning for Warren County is issued, the sirens go off; do not follow the previous Hamilton County policy for sirens; and the same policy is used for all of Southwestern Ohio. Mr. Centers added that info needs to be put in our newsletter. Chief Westendorf stated that we have done that & explained how our new sirens work. Mr. Centers asked about any regulations for the Farmers Market. Ms. Fisher stated she has meet with the Committee – members from Chamber, Mackinaw Group and Historical Society – and looking at Saturday afternoon, only food items; and the biggest thing is getting vendors. Mayor Lipps asked if there will be prepared food. Ms. Fisher stated we can do that & they will be required to have a permit (Warren County Health Department). Mr. Centers asked about a boat ramp on the river- are there any in the area and it would be great to have one. Mr. Lewis stated he doesn't know of any & will check.

Mr. Hall stated that we need to get with the Schools about using the land at Hampton Bennett for ball fields as the Park fields have been hard to get on, i.e. junior high games, tournament games & recreation league has started. Mr. Lewis stated he will look at it. Mr. Hall stated this is a good time to partner with the schools for fields at Hampton Bennett and he will be out of town for the next meeting.

Mr. Wilcher thanked everyone for coming tonight; a car show for the Children's Miracle Network is going to be held at Wal-Mart; and at the Sunoco, SR 123, it needs cleaned-up.

Mr. Aldridge stated with the Safer Routes to School grant, need to look at getting from Hampton Bennett to the Park, as teams, students, etc. cross 6th Street to get to the Park; thanks to the Fire Department for hosting the Anthony Wayne 5th grade lunch; thanks to Mr. Mears & Mr. Bray for their work on the Memorial Day Parade and thanks to all the graduates.

Mr. Bray thanked everyone for coming this evening.

Mr. Faulkner thanked everyone for coming this evening; the luncheon went well; on River Street, on right by Deardoff Center, a truck is parked on the bike path & sidewalk; missed the retirement party for Diane Rossi, Dispatcher; represented the City at recent ceremony where the American Legion recognized Quincy Pierson and the American Legion also presented a Certificate to the City; thanks to those who helped with the Civil Service's physical test, part of the Police Officers exam, on Saturday.

Mayor Lipps stated that the retirement lunch for Don Woods is June 19th; the Kayak launch was talked about at the Lebanon & Springboro Chambers meetings; thanks for all the concern about his Dad being in the hospital; and the Chamber's Annual Recognition meeting is Monday, June 24, at 11:30 a.m. at the Anderson Life Celebration Center & our State Representative & State Senator will be attending.

EXECUTIVE SESSION

Mr. Faulkner made the motion to enter into executive session to discuss pending litigation; seconded by Mr. Aldridge. The vote:

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

Motion passed.

Mayor Lipps & members of Council entered into executive session to discuss pending litigation at 7:13 p.m.

Mayor Lipps & Council exited executive session. Mayor Lipps then reconvened and adjourned the meeting.

Mayor

Clerk of Council