



# CITY COUNCIL REGULAR MEETING

Monday, July 18, 2022 at 6:00 PM

1 Benjamin Franklin Way Franklin, Ohio 45005

[www.FranklinOhio.org](http://www.FranklinOhio.org)

## CLERK'S JOURNAL

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### 1. CALL TO ORDER

Vice Mayor Hall called the meeting to order at 5:59 PM.

### 2. ROLL CALL

#### PRESENT

D. Denny Centers

Paul Ruppert

Vice Mayor Todd Hall

Michael Aldridge

Debbie Fouts

Matt Wilcher

#### ABSENT

Mayor Brent Centers

Mayor Centers was absent due to a business commitment. Mr. Westendorf, Mr. Yoder, Ms. Dunn, Ms. Miller, Lt. Pacifico, Ms. Chibis, Mr. Inman, Mr. Conway, one member of the press and 23 guest were also in attendance.

### 3. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Mr. Don Watkins.

### 4. APPROVE THE CLERK'S JOURNAL AND ACCEPT THE TAPES AS THE OFFICIAL MINUTES

#### A. June 20, 2022

Motion made by Ruppert, Seconded by Aldridge.

Voting Yea: D. Centers, Ruppert, Vice Mayor Hall, Aldridge, Fouts, Wilcher

Motion passed.

### 5. PRESENTATIONS

#### A. Act of Valor Awards

Act of Valor awards were given to Craig Setters, Rick Day, Ed Minton and Steve Howard for their life saving actions at Atlas Roofing on May 25, 2022. Their co-worker, William Self, suffered a cardiac incident while at work. Because of their quick actions, Mr. Self was able to present the awards to his co-workers.

Guests from Premier Health, including Rich Morrett and Dr. Keith Bricking, President of Atrium Medical Center, were present and involved in the presentation.

## B. Committee Reports

Mr. D. Centers gave an update from the July 11, 2022 Finance Committee meeting. Income Tax revenue is up for the month and year. July's revenue was up \$560,344, with year to date revenue up by 1.3 million. Mr. Westendorf reported that it seems employers are withholding higher amounts than previous years. Even though income is trending higher, he is moving forward cautiously. Ms. Miller shared the Statement of Cash Position with the Committee. There are few appropriation requests, but overall, spending seems to be on track for the year. The Committee thanked Ms. Miller for stepping up. Her work is appreciated.

There were three audit comments, all of which have been addressed. The Committee also discussed pay rate increases for the Volunteer Firefighters and agreed the increases were necessary.

## 6. RECEPTION OF VISITORS

Vice Mayor Hall opened the Reception of Visitors at 6:10 PM.

Mr. Don Watkins of 260 E. Bryant Ave asked to be heard. Mr. Watkins does not feel he is being treated fairly in regards to the No Parking signs in front of his residence. He would like the sign removed. There was discussion with Council and Mr. D. Centers asked Mr. Watkins to work with the City Manager to resolve his issue.

Mr. Steve Lake of 1280 E. Second Street asked to be heard. A company wants to purchase his property. There is an issue with the egress. He is asking for a way to make the project work. Mr. Westendorf said the issue is that a neighbor does not want to sell her property which would be needed for proper traffic flow. Mr. Westendorf will visit Mr. Lake to review what he has been told by the developer.

Vice Mayor Hall closed the Reception of Visitors at 6:54 PM.

## 7. PUBLIC HEARING

- A. ORDINANCE 2022-20** INITIATING CERTAIN AMENDMENTS TO SECTIONS 3.02, 3.05, 3.06, 3.08, 3.11, 4.03, 4.08, 4.09, 4.10, 5.01, 5.02, 6.01, 6.07, 7.01, 7.02, 7.05, 8.02, 11.02, 11.03, 11.04, 11.05, 11.06, 11.09 AND 11.10 OF THE CITY OF FRANKLIN, OHIO CHARTER AND DIRECTING THE CLERK OF COUNCIL TO CERTIFY THE SAME TO THE WARREN COUNTY BOARD OF ELECTIONS FOR PLACEMENT OF THE QUESTION OF THE CHARTER AMENDMENTS UPON THE NOVEMBER 8, 2022 GENERAL ELECTION BALLOT TO BE SUBMITTED TO THE CITY'S ELECTORS FOR FINAL REVIEW AND APPROVAL

In accordance with Section 7.04 of the City of Franklin Charter, the City appointed six (6) individuals to the City of Franklin Charter Review Commission on May 17, 2021. The Charter

Review Commission met multiple times throughout 2021 to review the City Charter and discuss revisions to the same.

City Council selected a number of the Commission's proposed amendments to submit to the City's electors on the May 3, 2022 Primary Election ballot for final review and approval (all of which were passed). The amendments proposed in the present Ordinance consist of the second set of amendments which Council selected to submit to electors as part of the November 8, 2022 General Election ballot. The following summarizes each amendment/category of amendments:

1. Non-substantive, typographical changes throughout Charter to make terms used in City Charter and Ordinances consistent:

- City Clerk → Clerk of Council
- Manager → City Manager
- Department of Service → Public Works Department
- Director of Service → Public Works Director
- Board of Zoning, Building and Housing Appeals → Board of Zoning Appeals

2. Section 3.02 – If Council votes to increase Councilmember compensation, the increase will only apply to future Councilmembers (for compliance with Ohio ethics laws)

3. Section 3.06 – If Council membership ever drops below 4 members, the remaining members must appoint new members within 30 days to increase Council membership to over 4

4. Section 7.01 – Eliminate certain Planning Commission duties which are duties better left to City planning, zoning and economic development staff

5. Section 11.10 – Eliminate the City's unique Councilmember recall procedures and requirements (Ohio Revised Code recall procedures and requirements would instead apply to recall of City Councilmembers)

Vice Mayor Hall opened and closed the Public Hearing at 6:57PM as none asked to be heard.

Motion made by Ruppert, Seconded by Wilcher.

Voting Yea: D. Centers, Ruppert, Vice Mayor Hall, Aldridge, Fouts, Wilcher

Motion passed.

**B. ORDINANCE 2022-21 AMENDING ORDINANCE 2022-10 TO PROVIDE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF FRANKLIN, OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2022, AND DECLARING AN EMERGENCY**

This ordinance will adjust appropriations to the following funds:

- General Fund
  - Increase of \$78,000 to Building Division Other for Safe Built Property Maintenance
  - Increase of \$15,000 to Other Governments Other for Expenses for New Copier for Administration (\$2,000) and connectivity upgrade (\$13,000)
  - Increase of \$5,000 to Clerk and Council Personnel Services for increase in salaries for K. Dunn
  - Increase of \$10,000 to City Manager Personnel Services for increase in salaries K. Steed

- Increase of \$500,000 to Other Financing Uses for Downtown Streetscape Engineering
- Law Enforcement Fund
  - Increase of \$30,000 to Other for Shooting Range improvements.
- Recreation Fund
  - Increase of \$55,000 to Other for Human Nature Franklin School Joint Masterplan update (\$20,000) and for 2 Soccer Fields Dial Park (\$35,000)
- Capital Improvement Fund
  - Increase of \$507,000 to Other for additional expenses for Food Truck Park (\$7,000) and Downtown Streetscape Engineering (\$500,000)
- ODOT Program Fund
  - Increase of \$50,000 to Other for Property Acquisition Beal Rd/Shotwell Dr.
- Economic Development & Rehabilitation Fund
  - Increase of \$15,000 to Other for Plan of Riverfront Streetscape
- Street Fund
  - Increase of \$49,000 to Other for additional expenses on the Street Paving Program

Mr. Westendorf gave a synopsis of the Downtown Streetscape Engineering. The engineering will take approximately 9 months to complete before any work can begin. A presentation will be made to Council prior to designs being chosen. This is the first step in moving forward with the plan. There was discussion regarding the Downtown Revitalization Plan.

Vice Mayor Hall opened and closed the Public Hearing at 7:34 PM as none asked to heard.

Motion made by D. Centers, Seconded by Fouts.

Voting Yea: D. Centers, Ruppert, Vice Mayor Hall, Aldridge, Fouts, Wilcher

Motion passed.

## 8. NEW BUSINESS

### A. **RESOLUTION 2022-55** APPOINTING MEMBERS-AT-LARGE TO CERTAIN DULY AUTHORIZED BOARDS AND COMMISSIONS OF THE CITY OF FRANKLIN, OHIO AND TO OTHER REGIONAL BOARDS AND COMMISSIONS (Jonathan Westendorf)

Mr. Robert Hogan and Mr. Ben McCullough have agreed to serve on the Franklin Home Owners, Inc. board of trustees.

Motion made by Ruppert, Seconded by Wilcher.

Voting Yea: D. Centers, Ruppert, Vice Mayor Hall, Aldridge, Fouts, Wilcher

Motion passed.

**B. RESOLUTION 2022-56** AMENDING RESOLUTION 2022-46 AND ESTABLISHING THE ORGANIZATIONAL LISTINGS AND PAY RATES FOR CITY OF FRANKLIN AND FRANKLIN MUNICIPAL COURT OFFICIALS AND EMPLOYEES FOR THE YEAR 2022

Resolution 2022-46 is being amended to set the rates of pay for 2022.

Volunteer Firefighter, EMT & Paramedic rates are being increased to attract and maintain staff. A salary study was done, and volunteer rates were found to be lower than other municipalities. These rates were presented to the Finance Committee on 7/11/22. The Committee was in favor of the increases.

Motion made by Wilcher, Seconded by Aldridge.

Voting Yea: D. Centers, Ruppert, Vice Mayor Hall, Aldridge, Fouts, Wilcher

Motion passed.

**C. RESOLUTION 2022-57** AWARDING THE BID AND AUTHORIZING EXECUTION OF THE CONTRACT WITH CG CONSTRUCTION AND UTILITIES INC. FOR THE 2022 BRYANT AVENUE WATER MAIN REPLACEMENT PROJECT. (Barry Conway)

On July 7, 2022, the City opened bids for this project, which were as follows:

Bidder	Total Bid
CG Construction and Utilities, Inc.	\$1,075,140.00
Ford Development Corporation	\$1,090,310.00
Majors Enterprises Inc.	\$1,090,400.00
Performance Site Development	\$1,136,905.00
Associated Excavating, Inc.	\$1,164,229.50

The Engineer's estimated cost for this Project was \$1,100,000.

Staff recommends that we accept the bid in the amount of \$1,075,140.00 from CG Construction and Utilities Inc. as the lowest and best bid.

Motion made by Aldridge, Seconded by Ruppert.

Voting Yea: D. Centers, Ruppert, Vice Mayor Hall, Aldridge, Fouts, Wilcher

Motion passed.

**D. RESOLUTION 2022-58** AWARDING THE BID AND AUTHORIZING EXECUTION OF THE CONTRACT WITH CG CONSTRUCTION AND UTILITIES, INC. FOR THE 2022 MILLARD DRIVE WATER MAIN REPLACEMENT PROJECT. (Barry Conway)

On July 7, 2022, the City opened bids for this project, which were as follows:

Bidder	Total Bid
CG Construction and Utilities, Inc.	\$1,382,000.00
Majors Enterprises Inc.	\$1,398,300.00
Ford Development Corporation	\$1,442,510.00
Performance Site Development	\$1,529,907.00

The Engineer's estimated cost for this Project was \$1,500,000.

Staff recommends that we accept the bid in the amount of \$1,382,000.00 from CG Construction and Utilities, Inc. as the lowest and best bid.

Motion made by Aldridge, Seconded by Fouts.

Voting Yea: D. Centers, Ruppert, Vice Mayor Hall, Aldridge, Fouts, Wilcher

Motion passed.

**E. RESOLUTION 2022-59 AWARDING THE BID AND AUTHORIZING EXECUTION OF THE CONTRACT WITH FILLMORE CONSTRUCTION LLC FOR THE 2022 MUNICIPAL PAVING PROJECT. (Barry Conway)**

The Engineer's estimated cost for the Project was \$550,000. The project includes

- Dale Ave. from Virginia Ave. to Poplar St.
- Deardoff Rd. from 2nd St. to North Corp Line
- Sunny Lane from Westline Dr. to Dale Ave.
- Vernon St. from Charles Ave. to the west terminus
- Westline Dr. from Virginia Ave. to Dale Ave.

On July 13, 2022, the City opened bids for this project, which were as follows:

Bidder	Total Bid
Fillmore Construction LLC	\$598,305.00
John R. Jergenson Co.	\$612,512.18
Barrett Paving Materials, Inc.	\$617,378.25
Mt. Pleasant Blacktopping	\$645,083.00

Staff recommends that we accept the bid in the amount of \$598,305.00 from Fillmore Construction LLC as the lowest and best bid.

Motion made by Aldridge, Seconded by Wilcher.

Voting Yea: D. Centers, Ruppert, Vice Mayor Hall, Aldridge, Fouts, Wilcher

Motion passed.

**9. CITY MANAGER'S REPORT**

Mr. Westendorf reported that a Safebuilt employee will be starting in August to facilitate the City's Point of Sale and Rental Inspection Program.

The next CAC meeting will be held on July 26 at 6:00 PM at the Fire Department. An update on the City-Wide Comprehensive Plan will be discussed.

National Night Out will be on August 2, 2022 from 5:30 - 8:30 PM at Community Park.

The Food Truck Park opening is scheduled on August 5, 2022 from 5:00 - 9:00 PM. The community response has been very positive.

## 10. COUNCIL COMMENTS

Mr. Wilcher feels Council had a good discussion regarding appropriations. The questions asked were fair and necessary when spending tax-payer money. He also said that each step forward makes the downtown dream a reality. This is the furthest the City has been on a downtown revitalization project since he's been on Council.

Mrs. Fouts echoed Mr. Wilcher's comments. She wanted to ensure due diligence. She trusts Mr. D. Centers as the Chair of the Finance Committee. She also asked about house that is scheduled to demolished on Sixth Street. Mr. Conway will check on the timing with the demolition company.

Mr. D. Centers thanked Ms. Miller for helping the City by serving as Interim Finance Director. He thanked Ms. Dunn for providing talking points from the Committee meetings. He said financially, the City is in good shape that Council is asking the right questions. The appropriation request is the foundation for the downtown project. He is glad it is finally getting off the ground.

Mr. Aldridge enjoyed hearing the story from the folks at Atlas and is so glad there was a good ending. He would like to know when the signs went up at Mr. Watkins house to help get to the bottom of his complaint.

Mr. Ruppert said he got many compliments on the 4th of July event. He has received calls about a property on Riley Blvd. Mr. Westendorf reported that staff has served notices to the residents. He thanked Ms. Miller for all she's done, especially getting the City through the Audit.

Vice Mayor Hall thinks there will be an impasse with Mr. Watkins. He appreciates that staff has given him options but he thinks it will be difficult to resolve the issue, which he hates. The 4th of July was great and the fireworks were awesome. He said it was good to see Mrs. Miller. Vice Mayor Hall stated that this is the closest the City gotten to doing something impactful downtown. He is very excited and ready to move forward. He is appreciative of the questions being asked and is ready to move forward. All of Council and staff are striving to improve the City for the citizens and their own families.

## 11. EXECUTIVE SESSION

- A. To consider the employment of a public employee or official; and to consider the employment and compensation of a public employee pursuant to ORC 121.22 (G)(1).
- B. To consider the purchase of property for public purposes pursuant to ORC 121.22 (G)(2).

Motion made by Aldridge, Seconded by D. Centers.

Voting Yea: D. Centers, Ruppert, Vice Mayor Hall, Aldridge, Fouts, Wilcher

Motion passed. Council entered into at 8:00 PM

Vice Mayor Hall called for a motion to come out executive session.

Motion made by Ruppert, Seconded by Wilcher.

Voting Yea: D. Centers, Ruppert, Vice Mayor Hall, Aldridge, Fouts, Wilcher

Motion passed. Council exited executive session at 9:33 PM.

## 12. ADJOURNMENT

Vice Mayor Hall called for a motion to adjourn.

Motion made by Aldridge, Seconded by Fouts.

Voting Yea: D. Centers, Ruppert, Vice Mayor Hall, Aldridge, Fouts, Wilcher

Motion passed. Council adjourned at 9:33 PM.

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Brent Centers, Mayor

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Khristi Dunn, Clerk of Council