



# CITY COUNCIL REGULAR MEETING

Monday, May 02, 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

Mayor Centers called the regularly scheduled meeting of the Franklin City Council on Monday, May 2, 2022 to order at 6:02 PM

### 2. ROLL CALL

Ms. Dunn called roll which showed:

PRESENT

D. Denny Centers

Paul Ruppert

Vice Mayor Todd Hall

Mayor Brent Centers

Michael Aldridge

Debbie Fouts

Matt Wilcher

### 3. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Mayor Centers.

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

A. April 4, 2022

Mayor Centers asked if there were any amendments to the Clerk's Journal. Hearing none, he called for a motion.

Motion made by Vice Mayor Hall, Seconded by Aldridge.

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

Motion passed.

## 5. PRESENTATIONS

### A. Council Committee Reports

**Finance Committee Report:** Chairman D. Centers briefed Council on the May 2, 2022 Finance Committee meeting. The Committee reviewed and approved the amended Finance Director Position Description. They reviewed a proposed Traffic Enforcement Officer position and recommended adoption. The Committee discussed adding additional patrol officer positions as staff prepares for retirements in conjunction with the long process of onboarding new officers. The Police Vehicle Fleet management program was reviewed and approved. Staff proposed changes to the Property Inspection Program that includes hiring a new company that would put a full time person on board with the City. The Committee was also in favor of this proposal.

**Safety Committee Report:** The Mayor reported at the April 26, 2022 Safety Committee meeting, the committee reviewed the safety aspects of the same items that were discussed at the Finance Committee.

## 6. RECEPTION OF VISITORS

Mayor Centers opened the reception of visitors at 6:08 PM

Ann Marie Valentine of 510 East Street asked to be heard. Ms. Valentine alleged that a surveillance camera was pointed at her bedroom window and house. She cited case law regarding the expectation of privacy in one's own home. Ms. Valentine requested a City Ordinance be adopted to restrict cameras to the owner's own property. She has contacted the Warren County Prosecutor and spoke to Lt. [Sic] Shannon with the Franklin Police Department. The Mayor responded that Council would need to discuss this issue with law director to see if Council had the authority to do so. Council will discuss her request with Police Chief and Law Director. Ms. Valentine reported that a CPO order facilitated the cameras being taken down. She is unsure if cameras will go back up after the hearing.

The Mayor closed the reception of visitors at 6:16 PM

## 7. PUBLIC HEARING

**A. ORDINANCE 2022-12 AMENDING CHAPTER 1103 DEFINITIONS, CHAPTER 1105 ADMINISTRATION, CHAPTER 1107 DISTRICTS AND LAND USE STANDARDS, CHAPTER 1109 OVERLAY DISTRICTS, CHAPTER 1113 USE REQUIREMENTS AND STANDARDS AND CHAPTER 1115 PROCESS AND PROCEDURES OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE (Barry Conway)**

a. Exhibit A: 1103.01

b. Exhibit B: 1105.03 & 1105.09

c. Exhibit C: 1107.07

d. Exhibit D: 1109.01

e. Exhibit E: 1113

f. Exhibit F: 1115.08 & 1115.11.

This Ordinance would amend the following provisions of the Unified Development Ordinance: Section 1103.01 Definitions, Section 1105.03(b)(1) Zoning Official, Section 1105.09 Fee Schedule, Section 1107.07(c)(3), Parks and Recreation District, Section 1109.01(f)(11), 1109.01(h)(2)(B)(iii), 1109.01(l)(1)(C), 1109.01(m)(2) Telecommunications Overlay District, Section 1113 Use Requirements and Standards “Table of Contents”, Section 1113.01(e)(4)(B)(ii), 1113.01(e)(6)(A) Conditional Uses, Section 1113.03(c)(3)(B), 1113.03(d)(5)(B) Home Occupations, Section 1113.04(a), 1113.04(f) Nonconformities, Section 1113.05 “Heading”, 1113(a),(b),(c) and (d), Adding 1113.05(l) Accessory Building and Uses, Section 1115.08(f)(3)(B) Site Plans and Section 1115.11(b) Approvals By The Zoning Official. These amendments originated at Planning Commission, which held a public hearing on the proposed changes at its April 13, 2022 meeting. At that meeting, Planning Commission voted unanimously (5-0) to recommend Council approve these amendments.

Vice Mayor Hall asked for a definition for the word "guys" used in Exhibit D. Mr Conway explained it refers to a guided wire on a telecommunications pole.

The Mayor opened and closed the Public Hearing on **ORDINANCE 2022-12** at 6:19 PM as none as to be heard.

Motion made by Vice Mayor Hall, Seconded by Aldridge.

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

Motion passed.

**B. ORDINANCE 2022-13 AMENDING CERTAIN SECTIONS OF THE CITY OF FRANKLIN TRAFFIC CODE TO BE CONCURRENT WITH STATE LAW (Khristi Dunn)**

a. Exhibit A: Part Three – Traffic Code Amendments

MuniCode has provided a legal review of the City’s General Traffic Code. This code was last updated in 2019. This Ordinance would amend the following sections of Part Five – General Offenses Code: SECTIONS 301.01, 301.02, 301.03, 301.04, 301.05; 303.01, 303.02, 303.05, 303.06, 303.07, 303.09, 303.11, 303.13, 303.14; 311.01, 311.03, 311.04, 311.05, 311.06, 311.07, 311.08, 311.09, 311.17, 311.19; 313.01, 313.02, 313.03, 313.06, 313.08, 313.09, 313.11; 331.01, 331.02, 331.03, 331.04, 331.05, 331.06, 331.07, 331.08, 331.09, 331.10, 331.12, 331.13, 331.14, 331.15, 331.16, 331.17, 331.18, 331.19, 331.20, 331.22, 331.23, 331.24, 331.25, 331.26, 331.27, 331.28, 331.30, 331.31, 331.32, 331.33, 331.37, 331.38, 331.39, 331.40, 331.41, 331.42; 333.01, 333.02, 333.03, 333.04, 333.08, 333.09, 333.11, 333.17; 335.02, 335.03, 335.04, 335.08, 335.10, 335.11, 335.13, 335.14, 335.15, 335.16, 335.17, 335.23; 337.01, 337.02, 337.03, 337.08, 337.09, 337.16, 337.18, 337.20, 337.21, 337.222, 337.24, 337.27, 337.32, 337.33; 339.06, 339.11, 339.13, 339.14, 339.16, 339.17, 339.18, 339.19, 339.20, 339.21, 339.22, 339.23, 339.24, 339.29, 339.31, 339.32, 339.33, 339.34; 341.01, 341.03, 341.05, 341.061, 341.07, 341.08, 341.11, 341.13, 341.15; 351.01, 351.02, 351.03, 351.05, 351.07, 351.12, 351.14; 353.02, 353.03, 353.05, 353.06,

353.07, 353.10, 353.13; 371.01, 371.02, 371.03, 371.04, 371.05, 371.06, 371.07, 371.08, 371.09; 373.01, 373.02, 373.03, 373.07, 373.08, 373.11, 373.12, 373.14; 375.01, 375.03, 375.05, 375.051, 375.07, 375.08, AND 375.12

Mayor Centers opened and closed the Public Hearing for **ORDINANCE 2022-13** at 6:21 PM as none asked to be heard.

Motion made by D. Centers, Seconded by Wilcher.

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

Motion Passed.

**C. ORDINANCE 2022-14 AMENDING CERTAIN SECTIONS OF THE CITY OF FRANKLIN GENERAL OFFENSES CODE TO BE CONCURRENT WITH STATE LAW (Khristi Dunn)**

a. Exhibit A: Part Five – General Offenses Code Amendments

MuniCode has provided a legal review of the City’s General Offenses Code. This code was last updated in 2019. This Ordinance would amend the following sections of Part Five – General Offenses Code: SECTIONS 501.01, 501.09, 501.10, 501.14, 501.15, 501.99; 509.03, 509.07; 513.01, 513.02, 513.03, 513.05, 513.07, 513.08, 513.10, 513.11, 513.12; 517.01, 517.03, 517.06, 517.07, 517.09, 517.11, 517.12, 517.13; 525.01, 525.02, 525.05, 525.10, 525.11, 525.13, 525.16; 529.01, 529.02, 529.03, 529.04, 529.05, 529.07, 529.08, 529.09, 529.10, 529.11, 529.12, 529.14, 529.15; 533.03, 533.04, 533.05, 533.09; 537.01, 537.02, 537.061, 537.07, 537.14, 537.15, 537.16, 537.17 (REPEALED / DELETED), 537.18, 537.20, 537.21, 537.22; 541.02, 541.04, 541.05, 541.06, 541.11, 541.111, 541.16; 545.02, 545.03, 545.04, 545.05, 545.06, 545.10, 545.11, 545.13, 545.15, 545.16, 545.17, 545.18, 545.22; 549.01, 549.02, 549.03, 549.05, 549.06, 549.07, AND 549.09.

Mayor Centers opened and closed the Public Hearing for ORDINANCE 2022-14 at 6:22 PM as none asked to be heard.

Motion made by Vice Mayor Hall, Seconded by Aldridge.

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

Motion Passed.

**8. NEW BUSINESS**

**A. RESOLUTION 2022-36 AMENDING THE POSITION DESCRIPTION FOR FINANCE DIRECTOR (Cindi Chibis)**

a. Exhibit A: Finance Director Position Description

As we prepare to recruit and hire new a new Finance Director, we updated the position description to reflect the duties of the positions more accurately.

Safety and Finance Committee have reviewed and approved. This position will report to Council under the daily direction of the City Manager.

Motion made by Ruppert, Seconded by Vice Mayor Hall.

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

Motion Passed.

**B. RESOLUTION 2022-37** AMENDING RESOLUTION 2022-23 AND AUTHORIZING POSITION TITLES AND THE NUMBER OF POSITIONS FOR EACH TITLE FOR CITY OF FRANKLIN AND FRANKLIN MUNICIPAL COURT PERSONNEL FOR THE YEAR 2022 (Cindi Chibis)

a. Exhibit A: Position Titles and Number of Positions

This Resolution provides for the creation of a part-time interim Finance Director and addition of a patrol officer for traffic enforcement.

Council likes the increased police presence this will provide to the City.

Motion made by Wilcher, Seconded by Fouts.

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

Motion Passed.

**C. RESOLUTION 2022-38** AMENDING RESOLUTION 2022-24 AND ESTABLISHING THE ORGANIZATIONAL LISTINGS AND PAY RATES FOR CITY OF FRANKLIN AND FRANKLIN MUNICIPAL COURT OFFICIALS AND EMPLOYEES FOR THE YEAR 2022 (Cindi Chibis)

a. Exhibit A: 2022 Payroll Rates

Resolution 2022-24 is being amended to set the rates of pay for 2022. The Interim Finance Director pay range is being set at \$39.30 - \$48.98/hour and the Public Works Seasonal Labor is being raised to \$15.00/hour.

Out of nine open positions, there is one seasonal Public Works applicant for the summer.

Motion made by Vice Mayor Hall, Seconded by Ruppert.

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

Motion Passed.

**D. RESOLUTION 2022-39** Accepting the Resignation of Cindy Ryan and appointing Amy Miller as Interim Finance Director (Cindi Chibis)

Ms. Cindy Ryan has submitted her resignation as Finance Director. Ms. Amy Miller retired in 2021 from her position as Secretary to the Finance Director. Amy has agreed to return on a part-time, temporary basis as Interim Finance Director while the City searches for a new Finance Director.

Motion made by D. Centers, Seconded by Vice Mayor Hall.

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

Motion Passed.

- E. RESOLUTION 2022-40** AWARDING THE BID AND AUTHORIZING EXECUTION OF THE CONTRACT WITH ASSOCIATED EXCAVATING INC. FOR THE 2022 7th STREET WATER MAIN REPLACEMENT PROJECT. (Barry Conway)

On April 27, 2022, the City opened bids for this project, which were as follows:

Associated Excavating Inc., \$104,848.00  
Larry Smith Inc., \$108,225.00  
Majors Enterprise Inc., \$108,722.50  
Campbell Excavating, \$119,597.58  
Ford Development Corporation, \$126,125.00  
Tall View Palladium Inc., \$127,630.00

The Engineer's estimated cost for this Project was \$120,000. The City budgeted the cost of this Project in the Waterworks Replacement Fund. Staff recommends that we accept the bid in the amount of \$104,848.00 from Associated Excavating Inc. as the lowest and best bid.

Motion made by Vice Mayor Hall, Seconded by Ruppert.  
Voting Yea: D. Centers, Ruppert, Vice Mayor Hall, Mayor Centers, Aldridge, Fouts, Wilcher

Motion Passed.

- F. RESOLUTION 2022-41** OBJECTING TO A LIQUOR RETAIL PERMIT APPLICATION ON BEHALF OF THE CITY OF FRANKLIN, OHIO (Ben Yoder)

- a. Exhibit A: Notice to Legislative Authority

The City of Franklin, Ohio received written notice from the Division of Liquor Control that an application to acquire a class D-2 liquor permit was received by the Division of Liquor Control with respect to premises within the City located at the Southeast corner of East 6th Street and Riley Boulevard. According to R.C. 4303.14, the Permit Application applicant must be the lawful owner or operator of a hotel, retail food establishment or food service operation on the Premises to be lawfully issued its requested liquor permit. The Applicant, Caseys Marketing Company, DBA Caseys General Store 4243, is not the lawful owner or operator of a hotel, retail food establishment or food service operation on the Premises.

Motion made by Aldridge, Seconded by Vice Mayor Hall.  
Voting Yea: D. Centers, Ruppert, Vice Mayor Hall, Mayor Centers, Aldridge, Fouts, Wilcher

Motion Passed.

## 9. INTRODUCTION OF NEW LEGISLATION

- A. ORDINANCE 2022-15** DETERMINING TO PROCEED WITH THE IMPROVEMENT OF CITY STREETS AND PUBLIC WAYS BY THE LIGHTING THEREOF FOR THE YEAR 2023 (Khristi Dunn)

## 10. CITY MANAGER'S REPORT

Mr. Westendorf asked Ms. Dunn to update Council on the Municode meeting management software. Ms. Dunn reported that the software increases efficiency in creating the Clerk's Journal and preparing agendas and packets.

Mr. Inman gave an update on the field robot, Fletcher. The robot stripes a flag football field in 9 minutes, versus the one hour it takes to do so manually. The concession stand was open the past 2 Saturdays during flag football. There were \$250 in sales on the first Saturday and \$370 on the second Saturday. Mr. Ruppert thanked Mr. Inman and his team for the work done on completing the media filter exchange.

Mr. Westendorf reported that Sunoco on Second Street has removed all alcohol as they do not have a valid liquor permit. There was another violation found at the Marathon station on William C Good. Staff will continue to follow up on the objections made by Council to the permit renewals.

Mr. Westendorf gave an update on the monument sign at JK Mart on Second Street. Previously, the City requested JK Mart change from a pole sign to a monument sign. When parked at the stop bar, visibility is not an issue and the light change is responsive. The stop bar is set back pretty far, so to turn right on red, the driver needs to pull up after stopping at the stop bar. Council was not interested in seeing a No Right on Red policy at that intersection as was recommended.

## 11. COUNCIL COMMENTS

Mr. Wilcher thanked Ms. Valentine and apologized that she is dealing with a nuisance neighbor. Cravings by Janet on Main Street is selling Bill's donuts from 7:00 AM-10:00 AM, Monday - Saturday. He asked that all support this new local business.

Mrs. Fouts said that business is great. She is seeing new faces at her establishment which means there is a lot of buzz about what is going on in Franklin. She appreciates Mr. Westendorf's hard work. She attended Safe on Main Gala with the City staff. It was a great cause and she was glad the City had a good presence.

Mr. Aldridge complimented staff on their hard work. He is impressed how staff continues to think outside the box. The fleet maintenance is a great idea.

Mr. D. Centers asked about people sleeping by the old train station. He saw people sleeping there again because there is an outlet that is accessible. He would like to see that removed to discourage loitering. He asked for an update on Dial Park. Staff is working on annexation. Electric is needed for the automatic gate and fencing. Mr. Westendorf hopes the grass does well but is anticipating the grass may need another year to take root before games can take place.

Mr. Ruppert thanked the community's first responders. There was a tragedy in his neighborhood. He said everyone was very professional and courteous.

Vice Mayor Hall asked about the delineators at Beal. Staff reported that they were replaced three times. The price has increased so Mr. Inman has not replaced these recently. Mr. Westendorf said construction will begin at William C Good that will shift traffic patterns next year.

The Mayor said the Charter Amendments video was well done and informative. He thanked Ms. Ryan for her service and thanked Ms. Miller for returning to help the City. The following Friday is the Community Outreach Luncheon at the Fire Department. The primary election was the following day and he encouraged residents to get out and exercise the right to vote. The Mayor thanked Ms. Valentine for coming and bringing her concerns to Council.

## 12. 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).

Mayor Centers called for a motion to enter into executive session.

Motion made by D. Centers, Seconded by Wilcher.

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

Voting Nay: Vice Mayor Hall

Council entered into executive session at 7:05 PM with no planned action to follow.

The Mayor called for a motion to come out of executive session.

Motion made by Vice Mayor Hall, seconded by Mrs. Fouts.

The Mayor called for a voice vote and by voice vote the motion was approved 7-0.

Council adjourned out of executive session at 7:57 PM.

## 13. ADJOURNMENT

Mayor Centers called for a motion to adjourn the meeting.

Motion made by Vice Mayor Hall, Seconded by Mrs. Fouts.

The Mayor called for a voice vote and by voice vote the motion was approved 7-0.

The Mayor adjourned the meeting at 7:57 PM

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Brent Centers, Mayor

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Khristi Dunn, Clerk of Council