



# CITY COUNCIL MEETING

Monday, July 01, 2024 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 meeting to order at 6:00pm.

### 2. ROLL CALL

PRESENT

D. Denny Centers

Paul Ruppert

Vice Mayor Todd Hall

Mayor Brent Centers

Debbie Fouts

Matt Wilcher

ABSENT

Michael Aldridge

Mr. Aldridge was excused for planned travel.

Staff: Mr. Westendorf, Mr. Yoder, Ms. Trice, Ms. Dunn, Ms. Steed, Chief Colon, Chief Stitzel, Ms. Fields, Mr. Inman, Mr. Miller, Mr. Conway, Ms. Chibis and Officer Holland were also in attendance.

There were approximately 26 guests at the meeting.

### 3. PLEDGE OF ALLEGIANCE

Mayor Centers led the pledge of allegiance.

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

A. June 17, 2024

Motion made by Vice Mayor Hall, Seconded by Ruppert.

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

Motion passed.

### 5. RECEPTION OF VISITORS

Mayor Centers opened and closed the Reception of Visitors at 6:02pm as none asked to be heard.

### 6. PUBLIC HEARING

**A. ORDINANCE 2024-15 AN ORDINANCE TO CONSIDER THE REQUEST OF THE FRANKLIN CITY BOARD OF EDUCATION TO REZONE 6 LOTS ON ANDERSON STREET, SIXTH STREET AND SEVENTH STREET FROM MU-1 MIXED USE DISTRICT TO CV-1 CIVIC DISTRICT**

Mayor Centers turned the meeting over to Vice Mayor Hall at 6:02pm due to a professional conflict of interest.

Vice Mayor Hall explained that everyone who would like to speak will be allowed to do so. If needed, he will limit each person to three minutes for the sake of time. Mr. Yoder, Law Director for the City, administered an oath to those wishing to speak either for or against the rezoning request. He instructed those who wish to speak to come to podium, state their name and address for record, confirm they had taken the oath, and speak on the rezoning request. He said there was to be no speaking from the audience. Once the public hearing is closed, Council will deliberate.

Mr. Westendorf reminded the audience that the process for rezoning is laid out by law and is the same for any other project that would come before the Planning Commission and Council. The applicant submits a formal application which goes to a technical review committee composed of City staff. Staff reviews to see if the proposal adheres to code and planning documents. Staff provides guidance to the applicant. The application then goes to the Planning Commission and/or the Board of Zoning Appeals. Zoning and rezoning is a legislative action of Council. Four votes are required for a change. Planning Commission, the Board of Zoning Appeals, and Council must abide by the law.

Mr. Westendorf reviewed the timing and process for both the Downtown Master Plan and Reinvent Franklin 2040 Comprehensive Plan. Representatives from the school were a part of both processes. The City and School also assigned a joint task force for a Parks Master Plan. This was thought to be the best use of public dollars that would produce an better overall product for the community.

Ms. Fields explained that the applicant is present and requesting rezoning. She reviewed the parcels that are requested to be rezoned and the adjacent parcels to the property. The Downtown Master Plan was adopted in 2023 after two years of research, public engagement, and planning and reflects a bold and ambitious vision for Downtown Franklin by establishing a framework for how the city can achieve that vision. Throughout the planning process, the city engaged with the public through:

- A citywide survey
- Attendance at the Citizen Advisory Committee meetings
- A public open house
- City Council retreats

The feedback overwhelmingly supported the plan's vision and framework. To implement the plan's vision, the city rezoned the properties within downtown and drafted new regulations to align with the planning boundaries in the Master Plan. The effort was completed in 2023 and include the rezoning of the subject properties, which have historically been used for commercial from C-2 to MU-1. She reviewed the seven criteria Planning Commission and City Council shall consider when approving zoning amendments. Ms. Fields read the staff comments regarding the rezoning.

Vice Mayor Hall opened the Public Hearing at 6:32pm. Mr. Yoder asked people to affirm they were sworn in when stating their name and address and for one person to speak at a time.

Dr. Mike Sander, Superintendent of Franklin City Schools, 754 E. Fourth Street, asked to be heard. He affirmed he had been sworn in. Russell Miller from SHP was with him to help with his presentation. He spoke in favor of the rezoning request.

Vice Mayor Hall invited anyone in favor of the rezoning to speak. Mr. Yoder reminded everyone that comments should only come from the podium.

Ms. Amy Hudson Estepp, 4620 Beal Road asked to be heard and affirmed she was sworn in. She spoke in favor of the rezoning. She spoke specifically on behalf of the band boosters.

Mr. John Berry, 140 Waterstone Drive, asked to be heard and confirmed he was sworn in. He is the Director of extra curriculums at Franklin High School. He spoke in favor of the rezoning and spoke to the benefit of the athletic facilities.

Mr. John Ross, 4229 Marvel Drive, asked to be heard. He affirmed he had been sworn in. He spoke in favor of the rezoning request.

Mr. Douglas Greathouse, 41 West 6th Street, asked to be heard and affirmed he had been sworn in. He spoke in favor of the rezoning.

Mr. Robert Knipper, 17 Holly Drive, and Franklin City Schools Board of Education member, asked to be heard. He affirmed he had been sworn in. He spoke in favor of the rezoning request and said it was necessary for outdoor physical education classes.

Dr. Sander reapproached the podium and clarified that the schools are required by law to have outdoor classroom space. If the rezoning request was denied, students would be bussed to another facility for outdoor physical education.

Mrs. Rachel Ruppert Wolfinbarger, 9834 N Dixie Highway, and Franklin City Schools Board of Education member, asked to be heard. She affirmed she was sworn in. She spoke in favor of the rezoning.

Vice Mayor Hall opened the floor to anyone who is opposed to the rezoning. Seeing no one approach, he asked the applicant if they had anything else to say.

Dr. Sander shared concerns about not being able to use the property due to current zoning. Mr. Wilcher asked what was planned for the property. Dr. Sander that long term, the schools would like to install turf fields with bleachers. A stadium is desired, but he doesn't believe the funds would be available for the required infrastructure, including restrooms.

Vice Mayor Hall closed the public hearing at 7:36pm.

Mr. Yoder explained that the comments portion of the agenda was closed and Council will now discuss the rezoning request.

During Council discussion, Vice Mayor Hall expressed frustration with communication issues. He said he had several meetings with Mrs. Ruppert-Wolfinbarger and Mrs. Raleigh and nothing was decided. He asked Mrs. Raleigh if anything was decided at their meetings.

After asking Mrs. Raleigh a question, Vice Mayor Hall re-opened the Public Hearing at 7:46pm to allow Mrs. Raleigh to speak. Mrs. Lori Raleigh, 16 West 7th Street, affirmed she had been sworn in. She said that the photos shown were presented a year ago and that the City should have known what the plan was at that point. Vice Mayor referenced the joint Council School Board meeting that was held last year and said that the school was not clear on their intentions at that time. The City and School did a joint parks Master Plan and the results of those work sessions were discussed at the joint meeting. Following

the joint meeting, the school did not communicate that they no longer wanted to move forward with the joint plan. He said that clear communication would have made this process better for everyone.

Vice Mayor Hall closed the Public Hearing at 7:51pm.

Vice Mayor Hall asked for a motion to either approve or deny the rezoning request.

Motion to approve the rezoning request made by Fouts, Seconded by D. Centers.

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

Voting Nay: Ruppert

Voting Abstaining: Mayor Centers

Motion passed.

Council recessed from 7:52pm to 8:01pm.

Mayor Centers resumed moderation of the meeting. He said he is proud of Council and the legislative process. Everyone voted for what is right for the community, which is why Council is elected. It was a proper and fair process. Staff expertise helped tremendously.

**7. NEW BUSINESS**

**A. Murphy Oil Liquor License Application**

Murphy Oil USA, Inc has submitted an application to the Division of Liquor Control for a C-2 liquor license. C-2 allows for carryout only sales of wine and pre-packaged, low proof mixed beverages. Staff has no objections to this application and does not request a hearing be requested.

Motion made by Vice Mayor Hall, Seconded by Fouts.

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

Voting Nay: Ruppert

Motion passed. A hearing will not be requested for this application.

**B. RESOLUTION 2024-42 AWARDING THE BID AND AUTHORIZING EXECUTION OF THE CONTRACT WITH JOHN R. JURGENSON COMPANY FOR THE 2024 MUNICIPAL PAVING PROJECT**

The Engineer’s estimated cost for the Project was \$200,000. The project includes: Elaine Avenue from Victoria Drive to Judy Drive.

On June 26, 2024, the City opened bids for this project, which were as follows:

Bidder	Total Bid
John R. Jurgensen Co.	\$219,063.00
Normac Company	\$219,523.00
Barrett Paving Materials, Inc.	\$252,929.00

Staff recommended that we accept the bid in the amount of \$219,063.00 from John R. Jurgenson Company as the lowest and best bid.

Motion made by Wilcher, Seconded by Vice Mayor Hall.

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

Motion passed.

**C. RESOLUTION 2024-43 AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERGOVERNMENTAL COST SHARING AGREEMENT WITH THE BOARD OF COUNTY COMMISSIONERS OF MONTGOMERY COUNTY, OHIO AND THE MONTGOMERY COUNTY ENGINEERS OFFICE, OHIO RELATING TO COMPENSATORY MITIGATION FOR AQUATIC**

RESOURCE IMPACTS CREATED BY THE REMOVAL AND RECONSTRUCTION OF THE DAYTON-CINCINNATI PIKE (NORTH DIXIE HIGHWAY) RETAINING WALL

This IGA allows the City of Franklin to jointly work with the Montgomery County Engineer's Office to mitigate environmental impacts to stream and wetland resources classified as Waters of the United States under permitting jurisdiction of the US Army Corps of Engineers.

The US Army Corps of Engineers office estimates the mitigation will cost approximately \$541,660. The City's share of the cost is approximately \$351,972. The City's share of the project will come from the Capital Improvement Fund.

Motion made by Vice Mayor Hall, Seconded by Ruppert.

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

Motion passed.

## 8. CITY MANAGER'S REPORT

Vice Mayor Hall ran an excellent meeting. Mr. Westendorf was not surprised by the outcome. The proper process was followed. He appreciates the sentiment of requesting the truth and straight-forward communication. He is committed to giving the best product to the community.

Mr. Westendorf was approached by the Warren County Foundation seeking participation in a Civic Fund for City of Franklin projects. There is no current 501c3 to serve the community. That would look for a committee of three-five people to create an investment policy, raise funds, and then be tasked with awarding decisions. There are fees involved; \$500/annual, \$125/quarterly. Mr. Westendorf asked Council for their input and if they think there is a need. Mayor Centers serves on the Warren County Foundation board and under advisement from Mr. Yoder, excused himself from the conversation. Council agreed there is a need and it would be a good thing but had questions. Mr. Westendorf will bring back more information.

Mr. Westendorf recognized the Finance Department, especially Ms. Trice and her leadership. She has done a tremendous amount of work since coming on board. The audit was returned with no comments. The Government Finance Officers Association has awarded the City of Franklin a "Certificate of Achievement of Excellence in Financial Reporting. He appreciates what she is doing. Mr. D. Centers agreed that she does a great job, and she appreciates her work. Mr. Ruppert said reports are well done and communicate a lot of knowledge.

Staff has done a great job of communicating with residents. The newsletter (The Franklin Post) along educational videos, and more to come. These are time intensive projects. He thinks that staff is doing a wonderful job serving the community and communicating what is going on.

The Independence Day Parade would be held on Thursday. He received many questions about why the parade had changed. Construction at community park is main reason. The Park entrance will be affected again next year. The parade should be along Main Street next year. Mr. Lewis will MC this year's parade and there is a new National Anthem singer. Formally the wettest parade, modifications were made this year. He asked Council for a discussion about how to tackle the wet component moving forward. It was discussed and concluded that there is a difference between audience and parade goers shooting water, and the Fire Division spraying at the end of the parade. Unfortunately, adult parade attendees have taken it too far and harmed others, which has ruined the fun for everyone. The Fire Division will be able to spray moving forward. Safety is the priority.

Mr. Westendorf gave an update on the Streetscape project. Half of the light pole order should be delivered by August 19. The chandelier ring light for 4th and Main has been delivered. By July 29, Main

Street from Second to Fourth should be reopened to two-way traffic. Contractors will be closing the intersection of Third and Main. In mid to late August, Fourth Street will be closed with an unknown time of closure.

He had received lots of encouraging feedback regarding the RAISE Grant decision. He was disappointed in the outcome but is still moving forward. Support of Council, staff, and the community means a lot.

## 9. COUNCIL COMMENTS

Mr. Wilcher said Vice Mayor Hall did a nice job and was very well spoken. He expects better communication and a better relationship with the school board moving forward.

The RAISE grant decision was disappointing. Not one rock was left unturned. This is not a setback; we will make it. He believes in staff.

He complimented Fizzy Sips & Sweets and encouraged shopping local.

Mrs. Fouts thinks good work was done tonight. Vice Mayor Hall did awesome, and she was glad to see his passion come through.

The structures under the Lions on the Lion's Bridge need work. She would like to see the boxes painted or some repair.

Mr. D. Centers said he doesn't appreciate the comments made by Mr. Greathouse about the City overpaying for properties. He feels Mr. Greathouse is uninformed and his comments are slander. He thinks the asking price for Mr. Greathouse's building is inflated.

Mr. Ruppert hopes that improved communication with the school board will occur but is apprehensive it will happen under their current administration. He is supportive of the schools and students and does lots of charitable work through the Ruppert Foundation. He feels the process and outcome would have been better for everyone involved if clear communication had occurred.

Vice Mayor Hall said he appreciates Mr. Ruppert. He hopes communication gets straightened out with the schools. He wished they would have made their plans clear and not done a year and half of back and forth. It is now on record that they want to cooperate and work with the City. He hopes cooperation occurs as they presented it that evening. Communication was terrible. He does not wish to waste any more time or money due to their lack of communication.

Mayor Centers thought the public hearing was fair.

He was glad Mr. Combs was present. Mayor Centers recently made a Facebook comment trying to be positive about how Downtown businesses are thriving and lunchtime is packed at Pisanello's. He wanted to let Mr. Combs know that he was not dismissing the struggles downtown businesses have experienced during construction. He believes all downtown business will benefit from this project and that's why it's being done.

He complimented the audit. A clean audit is very good. He appreciates the work done by Ms. Trice.

The RAISE grant was not a a setback. We are now known and discussed by high officials. The City's work is known.

He was invited to a government roundtable hosted by the Springboro Chamber. It was a nice panel of representatives including Senator Wilson and Representative Lipps, with approximately 60 attendees. Everyone got to hear about the great work going on in Franklin. He appreciates being included.

**10. EXECUTIVE SESSION**

- A. To consider the appointment, employment, and compensation of a public employee or official pursuant to ORC 121.22 (G)(1).
  
- B. To consider confidential information related to the trade secrets of an applicant for economic development assistance pursuant to ORC 121.22 (G)(8).  
A unanimous quorum of the public body determines, by a roll call vote, that the executive session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project.

Motion to enter executive session made by D. Centers, Seconded by Ruppert.

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

Motion passed. Council entered executive session at 8:55pm

Motion to exit executive session made by Vice Mayor Hall, Seconded by Fouts.

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

Motion passed. Council exited executive session at 9:32pm.

**11. ADJOURNMENT**

Motion to adjourn made by Vice Mayor Hall, Seconded by Wilcher.

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

Motion passed. Council adjourned at 9:32pm.

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Brent Centers, Mayor

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Khristi Dunn, Clerk of Council