



# CITY COUNCIL REGULAR MEETING

Monday, June 06, 2022 at 6:00 PM

1 Benjamin Franklin Way Franklin, Ohio 45005

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## CLERK'S JOURNAL

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### 1. CALL TO ORDER

The Mayor called the meeting to order at 6:00 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

Mr. Westendorf, Mr. Yoder, Chief Colon, Chief Riddiough, Ms. Steed, Ms. Chibis and Ms. Dunn were in attendance. There were also 5 guests and one member of the press.

### 3. PLEDGE OF ALLEGIANCE

The pledge was led by Mayor Centers.

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

A. May 16, 2022

The Mayor 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, Vice Mayor Hall, Mayor Centers, Aldridge, Fouts, Wilcher

Voting Abstaining: Ruppert

Motion passed.

## 5. PRESENTATIONS

### A. Committee Reports

Mr. Aldridge gave an update from the June 2, 2022 Economic Development & Planning Committee meeting.

#### Werline Property Annexation

Staff shared the annexation agreement for the Werline property with the Committee. This is an Expedited Type 2 Annexation. The property will remain in Franklin Township, like rest of City, but no payments will be made to the Township as the City is providing all services to the property. Staff is happy with annexation agreement thanks to the work done by Bricker & Eckler.

The County does not want Manchester and Shaker Roads to be annexed into the City. They will remain Township roads. A traffic safety study will need to be done to measure the impacts of the new subdivision.

The proposed development plans to start infrastructure improvements as well as model home construction in 2023. Phase 1 is planned for 2024. The development will need to go to Planning Commission for approval before beginning work. The Committee voted in favor of the annexation agreement.

#### Deardoff Proposal

The City owns six acres on Deardoff Rd. A Developer approached staff about infill opportunities after learning of Downtown Plans. The developer sent a proposal and asked for feedback. The proposal included 50 foot lot sizes. The parcel is zoned for 80 foot lots. Home prices would be upper in the \$300K-\$400K range. The proposed square footage is 1,400 - 2,200.

The Committee was pleased to get the proposal. They would like to see larger lots and large square footage. Staff will give the feedback to the developer.

#### Downtown Master Plan Update

Over the past week, staff had meet with McBride Dale Clarion, Human Nature, the Railroad for traffic intersection design work, and Stanteck for riverfront ideas.

Liz from McBride gave updates on Downtown Master Plan, Zoning Code and Streetscape.

The Committee reviewed information from the May 25, 2022 Community Meeting & Survey Results. Liz was pleased with the turnout and overall feedback from the event. The feedback was positive.

McBride is drafting the Master Plan document. The Committee reviewed a Proposed Plan Structure. Plan finalization is schedule to begin in August 2022.

The zoning updates will replace the current C3 downtown district with a new downtown district with sub districts; Riverfront, Downtown Core, Mixed Use, Civic, and Transition. Space making options for Downtown dining and parking strategies for Downtown were discussed. The zoning updates will be refined and brought back to staff before moving on to Planning Commission and Council for final adoption in August.

Ms. Fields led the streetscape discussion regarding Main Street with materials provided by Human Nature. The Committee favored a Concept with less tree density than what is currently

on Main Street. They asked for specific tree recommendations to avoid root issues. They liked the materials proposed for hardscaping and discussed parking for the downtown core, including bike parking. The streetscape plan should be complete in August.

Overall the Committee said the information presented was overwhelming but they are confident in the work being done. They appreciate the deep dive and planning with long term goals.

Staff will propose a date in late July for the follow up Council retreat.

## **6. RECEPTION OF VISITORS**

The Mayor opened the reception of visitors at 6:06PM.

Bob Beckwith of 60 Sunny Lane asked to be heard. Mr. Beckwith thanked the City Manager for his outstanding job in a short period of time to fix defecies that have been overlooked. He asked Council to address the loud music that comes from JD Legends. The Mayor said this has been an ongoing issue that has been continuously addressed. Mr. Beckwith has contacted JD Legends and they say they will do something, but do not. He feels this is not fair to the community. Mr. Aldridge asked if there was ever a solution that Mr. Beckwith had been happy with previously. He's never been satisfied for more than one week.

Donald Walter of 12 Overlook Drive asked to be heard. He came in support of Mr. Beckwith. He asked noise Ordinances are not being enforced. He offered that after 20 years of the continual problem, other residents may have given up complaining.

The Mayor thanked both residents and said that staff will be looking into the issue.

Mr. Westendorf reported that staff has met with JD Legends on several occasasions. He was hopeful that their new sound person would alleviate the complaints since there would be consistency. There is not currently a decibel limit in City Ordinances. JD Legends is not in violation of any sound Ordinance because of their zoning allows them to play until 11:30 PM. He reported that they will comply when the police asks them to turn the music down.

There was discussion regarding a possible change in use of the facility and zoning allowance. Staff will continue to work with JD Legends to address these concerns.

Doug Greathouse of 41 E. 6th Street asked to be heard. Mr. Greathouse said he owns an event support company. He asked Council to set a decibel limit at the property line. Mr. D. Centers said this option was explored previously.

The Mayor said he appreciates the residents brining their concerns to Council. Their points were fair and heard. Staff will look into the issues.

The Mayor closed the Reception of Visitors at 6:29 PM

## 8. NEW BUSINESS

- A. **RESOLUTION 2022-48** Resolution Appointing Initial Region 14 Representative and Alternate Representative to the OneOhio Recovery Foundation, Inc. Board

Greta Hochstetler Mayer has been appointed to serve as region fourteen's representative to the OneOhio Foundation, Inc Board. Karen Scherra will serve as our region's alternate. In order for the candidates to obtain approval, it is necessary for all cities, villages, townships, and counties to adopt a resolution signing on to this choice.

The Mayor researched the issue. There were three applicants for the position. Of the three, Greta and Karen were the top two. He felt the selection process was thorough.

Motion made by Ruppert, Seconded by Wilcher.

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

Motion passed.

- B. **RESOLUTION 2022-49** AUTHORIZING THE CITY MANAGER TO PREPARE AND SUBMIT AN APPLICATION FOR THE OHIO PUBLIC WORKS COMMISSION'S STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS AND TO EXECUTE CONTRACTS, AS REQUIRED, FOR PROGRAM YEAR 2024 (PY 38) FOR THE 4TH STREET RESURFACING PROJECT.

The OPWC's Issue II process operates on a two-year cycle. Projects submitted this year are considered for funding two years from now. A pre-application is due for any projects requesting funding in Program Year 2024 (PY 38).

City staff recommends submitting the 4th Street Resurfacing Project for funding.

4th Street would be milled and resurfaced from Riley Blvd. to Millard Drive. Thermoplastic centerline and edge lines would be included in the project where needed.

Vice Mayor Hall asked if Duke would be done with their work before the project took place. Mr. Westendorf believes they will be and plans on the water main being replaced as well.

Motion made by Vice Mayor Hall, Seconded by Aldridge.

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

Motion passed.

- C. **RESOLUTION 2022-50** AUTHORIZING THE CITY MANAGER TO PREPARE AND SUBMIT AN APPLICATION FOR THE OHIO PUBLIC WORKS COMMISSION'S STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS AND TO EXECUTE CONTRACTS, AS REQUIRED, FOR PROGRAM YEAR 2024 (PY 38) FOR THE DAYTON-CINCINNATI PIKE RETAINING WALL REPAIR PROJECT.

The OPWC's Issue II process operates on a two-year cycle. Projects submitted this year are considered for funding two years from now. A pre-application is due for any projects

requesting funding in Program Year 2024 (PY 38).

City staff recommends submitting the Dayton-Cincinnati Pike (North Dixie Highway) Retaining Wall Repair Project for funding.

The existing wall 791 feet long is located partially in the City of Franklin and also in Montgomery County. The cost will be split based on the work to be completed in each jurisdiction.

The Project would cost an estimated total of \$2,074,000, which would be paid as follows:

- Montgomery County (\$937,000)
- 51% in local share/City funds (\$577,000)
- 49% in OPWC funds (\$560,000)

The Mayor clarified that this is a safety matter and the City is required to do the repairs.

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. Enterprise Contract (Ben Yoder & Jonathan Westendorf)**

Mr. Yoder introduced the idea of approving contracts via oral motions as opposed to drafting formal legislation, unless the agreement specifically requests legislation. Council was in favor of this approach. A staff cover memo and the proposed contract will be included in the Council packet for review.

The Enterprise agreement allows the City to lease vehicles from Enterprise periodically and as-needed for the City's public use. Leasing vehicles under the Agreement will decrease the City's vehicle maintenance costs over time. The Enterprise agreement went to the Council Safety and Finance Committees. Both were in favor of the agreement. The Police Division had budgeted the purchase and outfit of two new vehicles in 2022. That amount will be put towards leasing up to 15 new vehicles with Enterprise for approximately the same cost.

Motion made by D. Centers, Seconded by Wilcher.

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

Motion passed.

**E. Safebuilt Contract (Ben Yoder & Jonathan Westendorf)**

Council was asked to authorize the City Manager to execute a Professional Services Agreement between the City of Franklin and SAFEbuilt Ohio, LLC for the performance of certain City Code enforcement services, related primarily to property maintenance and rental housing Code provisions.

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 2022-16** AMENDING PART SEVEN, TITLE 1 OF THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO AND CREATING CHAPTER 730 (MASSAGE SERVICES ESTABLISHMENTS)
- B. ORDINANCE 2022-17** EXTENDING THE DEVELOPMENT MORATORIUM ON NEW COMMERCIAL DEVELOPMENT WITHIN THE DOWNTOWN REVITALIZATION AREA FOR AN ADDITIONAL 180 DAYS
- C. ORDINANCE 2022-18** LEVYING ASSESSMENTS FOR THE IMPROVEMENT OF CITY STREETS AND PUBLIC WAYS BY THE LIGHTING THEREOF FOR THE YEAR 2023
- D. ORDINANCE 2022-19** AUTHORIZING THE CITY MANAGER TO ENTER INTO A PRE-ANNEXATION AGREEMENT WITH CAP 5 DEVELOPMENT, LLC REGARDING APPROXIMATELY 109.6 ACRES OF REAL PROPERTY PRESENTLY LOCATED IN FRANKLIN TOWNSHIP, WARREN COUNTY, OHIO

## **10. CITY MANAGER'S REPORT**

Mr. Westendorf relayed a report that on June 3, 2022, the police department received two noise complaints for JD Legends.

On Thursday, June 16 at 4:00 PM, Edward Jones will be hosting an Open house at their newly renovated downtown location. He asked that Council RSVP to Ms. Dunn before June 8th.

He reminded all that estimated tax payments are due on June 15.

There will be a Council retreat the last week of July. He asked Council to let Ms. Dunn know of any conflicts during that week.

## **11. LAW DIRECTOR'S REPORT**

### **A. Charter Amendments**

Mr. Yoder asked Council if they would like to move forward with the remaining Charter Amendments at the November election. Due to an abbreviated meeting schedule, this will need to be introduced on June 20 with a Public Hearing on July 18. The deadline to have the amendments to the Board of Elections is August 10. There are six amendments remaining from the 2021 Charter Review. Council was in favor of moving forward with the remaining amendments.

## **12. COUNCIL COMMENTS**

Mr. Wilcher thanked Mr. Beckwith and Mr. Walter for coming out. The Farmers market was open the past weekend and he asked that everyone support local businesses.

Mrs. Fouts thanked the citizens for coming in. She has empathy for their concern. She appreciates Mr. Westendorf and staff for all the work being done

Mr. Aldridge said the Farmers Market is a great event. He felt the Downtown citizen meeting was great with a good mix of people. He is proud of how open the residents are to the revitalization plans.

Mr. Centers said he appreciated both residents coming out and he would be doing same thing if he was in their shoes. Council has tried to address this issue in the past and will continue to work on it. He said that they cannot let businesses operate at expense of citizens comfort. Mr. Centers asked for start date on the construction of the road next to Adessa. Mr. Westendorf will follow up with Mr. Inman and Mr. Conway, both who were unable to attend the meeting that evening. He also asked if anything could be done about curbside ads. Mr. Yoder said there are commercial free speech rights that allows them to be distributed. The City can create a program asking organizations to register prior to distribution, but this hasn't been successful in other communities.

Mr. Ruppert was empathic to Mr. Beckwith and Mr. Walter's issue. He has a neighbor that plays music loudly and the sound bounces off a metal garage door. He also knows how Mr. Westendorf takes care of things and will look into as much as legally possible. Mr. Ruppert talked to a gentleman the previous weekend about a development in Colorado where the developer built a house with a large garage to house a fire truck. He wanted to bring this up as a possibility for new developments to consider.

Vice Mayor Hall said the Memorial Day parade was great. Mr. Mears was very pleased with the City cooperation. The vehicle at the front of the parade had to be signed off on by someone in Washington D.C. and it took 5-6 days to arrive. The Vice Mayor thanked Mr. Westendorf and Ms. Dunn for the updates being done at the pool and said the season has started off well. He feels the pool is moving in the right direction. He addressed Mr. Beckwith and said that he understands his concern. He said "we will keep working on it and will get it figured out."

The Mayor thanked the citizens for coming and will be looking into their concern. He thought community meeting was outstanding. He felt the residents were open minded about the plans. The Mayor said the Memorial Day parade and program were wonderful and thanked staff for the coordination. He also reported that the Mayor of Mason had reached out to him to see what Franklin is doing for downtown plans as they are working on their downtown as well.

Vice Mayor Hall asked if David Todd Stamper was in attendance. Mr. Stamper was not in attendance.

### **13. 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).

- C. To consider confidential information related to the specific business strategy of an applicant for economic development assistance that involves public infrastructure improvements that are directly related to an economic development project pursuant to ORC 121.22(G)(8).

ORC 121.22(G)(8)(b): 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 made by D. Centers, Seconded by Aldridge.

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

Motion passed. Council entered into executive session at 7:20 PM with no planned action to follow.

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

Motion made by Vice Mayor Hall, Seconded by Mr. Ruppert.

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

Motion passed. Council exited out of executive session at 8:52 PM.

#### 14. ADJOURNMENT

Motion made by Vice Mayor Hall, Seconded by Aldridge.

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

Motion passed. Council adjourned at 8:52 PM.

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Brent Centers, Mayor

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Khristi Dunn, Clerk of Council