



CITY COUNCIL REGULAR MEETING

Monday, June 06, 2022 at 6:00 PM

1 Benjamin Franklin Way Franklin, Ohio 45005

www.FranklinOhio.org

AGENDA

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVE THE CLERK'S JOURNAL AND ACCEPT THE TAPES AS THE OFFICIAL MINUTES
 - A. [May 16, 2022](#)
5. PRESENTATIONS
 - A. Committee Reports
6. RECEPTION OF VISITORS
7. PUBLIC HEARING
8. NEW BUSINESS
 - A. **RESOLUTION 2022-48** Resolution Appointing Initial Region 14 Representative and Alternate Representative to the OneOhio Recovery Foundation, Inc. Board (Jonathan Westendorf)
 - a. Exhibit A: Notification Letter from Commissioner Shannon Jones
 - 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. (Barry Conway)
 - 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. (Barry Conway)
 - D. **Enterprise Contract** (Ben Yoder & Jonathan Westendorf)
 - E. **Safebuilt Contract** (Ben Yoder & Jonathan Westendorf)

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) (Jonathan Westendorf)

a. Exhibit A: Chapter 730

B. ORDINANCE 2022-17 EXTENDING THE DEVELOPMENT MORATORIUM ON NEW COMMERCIAL DEVELOPMENT WITHIN THE DOWNTOWN REVITALIZATION AREA FOR AN ADDITIONAL 180 DAYS (Jonathan Westendorf)

a. Exhibit A: Downtown Revitalization Area Map

C. ORDINANCE 2022-18 LEVYING ASSESSMENTS FOR THE IMPROVEMENT OF CITY STREETS AND PUBLIC WAYS BY THE LIGHTING THEREOF FOR THE YEAR 2023 (Khristi Dunn)

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 (Jonathan Westendorf)

a. Exhibit A: Pre-Annexation Agreement

10. CITY MANAGER'S REPORT

11. LAW DIRECTOR'S REPORT

A. Charter Amendments

12. COUNCIL COMMENTS

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.

14. ADJOURNMENT



CITY COUNCIL REGULAR MEETING

Monday, May 16, 2022 at 6:00 PM

1 Benjamin Franklin Way Franklin, Ohio 45005

www.FranklinOhio.org

CLERK'S JOURNAL

1. CALL TO ORDER

Mayor Centers called the regularly scheduled meeting of the Franklin City Council on Monday, May 16, 2022 to order at 6:03 PM

2. ROLL CALL

Ms. Dunn called roll which showed:

- PRESENT
- D. Denny Centers
- Vice Mayor Todd Hall
- Mayor Brent Centers
- Michael Aldridge
- Debbie Fouts
- Matt Wilcher

- ABSENT
- Paul Ruppert

Mr. Ruppert was absent for a family commitment.

Mr. Westendorf, Chief Riddiough, Chief Colon, Mr. Inman, Mr. Conway, Ms. Chibis, Ms. Steed and Ms. Dunn were present. There were also four guests and one member of the press in attendance.

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. May 2, 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 Wilcher.
Voting Yea: D. Centers, Vice Mayor Hall, Mayor Centers, Aldridge, Fouts, Wilcher

Motion passed.

5. PRESENTATIONS

A. Council Committee Reports

Mr. Wilcher gave an update from the May 12, 2022 Public Works & Utilities Committee Meeting.

Lateral Sewer Repair Insurance Program

- a. The committee has recommended that Franklin partner with the National League of Cities to market who will market voluntary insurance protection for interested residents who would like to protect their homes from costly repairs that often fall outside private homeowner’s policies. External sewer line coverage is \$7.75 per month, while external water line coverage is \$5.75/month. The main purpose is to offer a verified solution for residents of older homes to replace the lateral sewer lines (often clay tile) when they fail. Repairs can be costly as there is often a need to cut into the public roadway. The NLC program works with the city to identify contracts whom we have vetted and are familiar with our system. Payment is made directly to the vendor when a claim is filed. At no time is the city directly involved with any of these activities. NLC will market directly to our residents twice a year over a three-year period. The city will add this information to our website and promote the service on social media.

Proposed Water Softening Study

- b. Warren County recently began offering softened water to their water customers. Springboro is exploring this possibility and approached city staff to seek interest in joining a cooperative effort. Overall, the committee felt that focus needs to remain on downtown development efforts, the beautification effort with Springboro, the Clear Creek Bike Trail, expansion of William C. Good, bridge repairs, water service upgrades, and many other capital improvement projects that are already underway. Further, we couldn’t ignore the upward price pressures that we are facing on all these existing projects as well. Finally, our small but mighty staff are already facing a great deal of pressure as we work through all of this, so we just didn’t feel the time is right for another major project like this.

Storm Water Management

- c. Staff updated the Committee on two pressing stormwater issues facing the community:
 - i. The first on Gorsuch Road will require some clearing and reconstruction that will likely require the closure & repair of Gorsuch Road itself. Additionally, some improvements will be needed along the roadway to properly address the situation, which will impact several residents along Gorsuch Road to varying degrees. It is fair to say there are several additional steps needed before the project can begin. Staff are working to initiate an areawide civil engineering study to determine the scope of the problem, and will then evaluate the best alternatives to address the issue. Once a solution is determined, staff will work to communicate those plans to area residents.
 - ii. There is also an issue with a retention pond located at A&S Playzone on Conover Drive. That retention pond is servicing all business properties north of that

facility, as well as those along Commerce Center Drive, north of SR 73. Erosion has impacted the headwall at A&S Playzone, but another retention pond adjoining Commerce Center Drive needs to be cleaned out and maintained. A civil engineer will need to recalculate the needs at the pond on Conover before repairs can be made. Further, the retention facility on Commerce needs to be repaired so that it is functioning properly before those calculations are determined.

Dial Park Update

- d. The rough grading at Dial Park was completed last year, but a site assessment shows that the winter weather and lack of established ground cover indicates additional work will be needed to remove roots, rocks and other imperfections before a safe playable surface can be realized. Additionally, a topographical assessment is to be performed to ensure fields are level, draining properly, and so that space is maximized giving us the greatest versatility and use of the site moving forward. Staff is moving forward with that assessment with the intention of making necessary changes to allow a finish grade to occur this fall- where we will hydroseed the fields. An overseed in the spring should allow field utilization to begin by the fall sports season in 2023.

6. RECEPTION OF VISITORS

Mayor Centers opened the reception of visitors at 6:11 PM.

Mr. Don Watkins of Bryant Ave asked to be heard. He asked Council to reconsider removing the No Parking signs in front of his residence. Mr. Westendorf explained the results of the traffic engineer's study as to why the no parking sign is necessary. Mr. Westendorf and other staff will revisit Mr. Watkin's property to explore additional parking options.

The Mayor closed the reception of visitors at 6:26 PM

7. PUBLIC HEARING

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)

This is the second of three steps Council must act upon to implement the annual street lighting assessments for 2023. \$170,000 is the total projected cost for lighting of the streets, lanes and public ways for 2023. The City funds 2% of the total (\$3,400) and assessed residents' shares total \$166,600.

The Mayor opened and closed the Public Hearing at 6:26 PM as none asked to be heard.

Motion made by Vice Mayor Hall, Seconded by Wilcher.

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

Motion passed.

8. NEW BUSINESS

A. Liquor License Applications (Chief Adam Colon)

A. Franklin Party Supply Location Transfer

B. Franklin Party Supply Liquor Agency Contract

Chief Colon had no objections. Mr. Westendorf added that there is no objection once the applicant owns the property on the application.

Vice Mayor Hall made a motion to not request a hearing on both applications from Snowden Family Holdings, LCC, DBA Franklin Party Supply, on the condition that they own the property listed on the application: 551 Commerce Center Drive.

Motion made by Vice Mayor Hall, Seconded by Fouts.

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

Motion passed.

B. RESOLUTION 2022-42 AUTHORIZING THE PURCHASE OF DE-ICING SALT FROM THE CARGIL INC. DEICING TECHNOLOGY BUSINESSS UNIT THROUGH THE WARREN COUNTY JOINT SALT PURCHASING PROGRAM (Steve Inman)

a. Exhibit A: Warren County Bid Opening

b. Exhibit B: Warren County Resolution 2022-0573 Awarding the Bid

The Warren County Engineer closed the reverse online bidding for ice control salt on April 6th, 2022. The lowest bids for dumped road salt were from the Cargil Inc. Deicing Technology Business Unit. (we use dumped). The County Commissioners awarded the bid to the Cargil Inc. Deicing Technology Business Unit on April 19, 2022. This year, under the County’s Program, our price per ton is \$89.05. Last year our bid price was \$72,29 per ton through the County’s Joint Program. This represents a savings of \$8.06 per ton

The bids were as follows:

Cargill Deicing Tech \$89.05 per ton

American Rock Salt Co. \$89.10 per ton

Compass Minerals America \$93.31 per ton

Morton Salt \$96.78 per ton

The City estimated our need for bidding purposes at 3,000 tons. Salt is a line item budget and is purchased on an “as needed” basis.

Motion made by D. Centers, Seconded by Fouts.

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

Motion passed.

C. RESOLUTION 2022-43 AWARDING THE BID AND AUTHORIZING EXECUTION OF THE CONTRACT WITH KT SUPPLY LTD FOR THE 2022 WILLIAM GOOD BLVD. ROADWAY EXTENSION PROJECT. (Barry Conway)

On May 11, 2022, the City opened bids for this project, which were as follows:

Bidder	Total Bid
KT Supply LTD	\$912,808.05
Kelchner Inc.	\$944,209.48
RB Jergens Contractors, Inc.	\$963,601.24
Rack and Ballauer Excavating Co., Inc.	\$995,467.55
Barrett Paving Materials Inc.	\$1,091,090.00
WG Stang LLC	\$1,144,799.15
Sunesis Construction Co.	\$1,211,650.00
Major Enterprises, Inc.	\$1,229,288.50

The Engineer’s estimated cost for this Project was \$1,250,000. The City budgeted the cost of this Project in the County Vehicle Tax Fund. Staff recommends that we accept the bid in the amount of \$912,808.05. from KT Supply LTD as the lowest and best bid.

Mr. D. Centers asked if the City had used KT Supply LTD for previous projects. Mr. Conway said that the City has not used them before, but they had performed work for Lebanon and they were happy with their work.

Motion made by Wilcher, Seconded by Aldridge.

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

Motion passed.

D. RESOLUTION 2022-44 AMENDING POSITION DESCRIPTIONS FOR THE CIVIL/DEPUTY BAILIFF, ASSISTANT CITY MANAGER, AND CLERK OF COUNCIL

- a. Exhibit A: Civil/Deputy Bailiff Job Description
- b. Exhibit B: Assistant City Manager Job Description
- c. Exhibit C: Clerk of Council Job Description

Judge Ruppert has reviewed and suggested updates to the Civil/Deputy Bailiff job description. These changes were reviewed and approved by Mr. Westendorf and the labor attorney at Bricker & Eckler. Ms. Chibis, Ms. Steed and Mr. Westendorf have reviewed and updated the position description for the Assistant City Manager to encompass the duties being performed Ms. Chibis, Ms. Dunn and Mr. Westendorf have reviewed and updated the Clerk of Council position to more accurately reflect the duties being performed.

Motion made by Vice Mayor Hall, Seconded by Fouts.

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

Motion passed.

E. RESOLUTION 2022-45 AMENDING RESOLUTION 2022-37 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

- a. Exhibit A: Position Titles and Number of Positions

This Resolution provides for the creation of a full-time Assistant City Manager Position.

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

Motion passed.

F. RESOLUTION 2022-46 AMENDING RESOLUTION 2022-38 AND ESTABLISHING THE ORGANIZATIONAL LISTINGS AND PAY RATES FOR CITY OF FRANKLIN AND FRANKLIN MUNICIPAL COURT OFFICIALS AND EMPLOYEES FOR THE YEAR 2022

a. Exhibit A: 2022 Payroll Rates

Resolution 2022-38 is being amended to set the rates of pay for 2022. The Civil/Deputy Bailiff position is being filled by a probation officer. The Assistant City Manager pay range is being set at \$89,039 - \$109,507. The Clerk of Council pay range is being increased to \$67,216 - \$82,667.

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

Motion passed.

G. Swearing In Karisa Steed as Assistant City Manager (Mayor Brent Centers)

Mayor Brent Centers swore in Karisa Steed as the Assistant City Manager for the City of Franklin.

H. RESOLUTION 2022-47 RECOMMENDING THE CITY MANAGER ENTER INTO A JOINT PROFESSIONAL SERVICES AGREEMENT WITH FRANKLIN CITY SCHOOLS FOR A PARK FACILITIES MASTER PLAN

a. Exhibit A: Human Nature Professional Services Agreement

City Staff and members of the Council Parks and Recreation Committee have met with Franklin City Schools staff and members of the Board of Education to discuss optimizing use of the Parks system. Human Nature and McBride Dale Clarion have been asked to create a Joint City-School Park Facilities Master Plan. The goal is to coordinate a mutually beneficial strategy for the city and school district’s parks and recreation facilities. The project is estimated not to exceed \$40,000 with the City covering 50% of the costs.

The last parks master plan was updated in 2015, prior to the relocation of the high school.

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

Motion passed.

10. CITY MANAGER'S REPORT

Mr. Westendorf thanked Council for the personnel updates that were made that evening.

He reported that repairs for Rescue 16 are estimated at \$110,000. The City will pay the \$1,000 insurance deductible. The repairs are expected to be completed in two to three months.

As a spring clean-up project, there are trees and other overgrowth being removed on City owned lots. The City is also clearing out the south side of SR-123 west of the bridge.

The Downtown Revitalization Plan Open House is on May 25 at 6:30 PM at Franklin High School. During this meeting, staff will ask for resident feedback and ideas for Downtown Revitalization Plan. There is an Economic Development & Planning committee meeting on June 2. The Committee will review results of the townhall meeting as well as text amendments for downtown zoning. The current development moratorium will need to be extended due to meeting schedules between Planning Commission and Council and to ensure all feedback is incorporated into the plan. Council will reconvene to explore the plan. Staff will propose a handful of dates during the work week.

Mr. Westendorf asked if Council would like to move forward with Charter amendments for November elections or wait until the following election cycle. Council opted to move forward with the remaining amendments at the November 2022 election.

There is a Duke Energy Foundation grant available for small businesses in the 45005 zip code. Applications are due June 1, 2022. Staff is also pursuing grants. Ms. Dunn has agreed to assist department heads with grant applications.

Staff has been using Civic Ready to communicate with residents. Mr. Westendorf would like to see more residents sign up for the service. In addition to Emergency alerts, residents can opt to receive notifications about Community News & Events, Public Notices, and Utilities.

The park concession stand did \$460 in sales during a 3 hour period the previous Saturday. Mr. Westendorf is excited for the upcoming pool season and shared merchandise that will be available to purchase at the pool concession stand. Lounge chairs will also be available to rent.

11. COUNCIL COMMENTS

Mr. Wilcher thanked Mr. Watkins for coming. He reassured him he is not a nuisance. Mr. Wilcher had an issue 17 years ago and showed up to Council to address the issue. He hopes there is a mutual solution for his issue. He congratulated Karisa and Khristi. He is glad to have them on the team and he appreciates the work they do. The Community Outreach luncheon on Friday was a neat event and he was happy to attend. He's received lots of compliments about progress in Franklin.

Mrs. Fouts missed the luncheon, her favorite event, to attend her granddaughter's induction into the Junior National Honor Society. She is happy to have her personal business donate to the lunch. She congratulated Karisa and Khristi. She is excited to have both ladies on the team. Mrs. Fouts thanked Chief Colon and the police department for the quick response to her business over the weekend. She is appreciative of all staff and their efforts.

Mr. Aldridge thanked Mr. Watkins for coming. He has handled his self very well and Council is listening. He is excited about the May 25th meeting and sharing the plan. He congratulated and thanked Khristi. He is proud of Karisa and said the City is luck to have her. He recently ran into Liz from McBride Dale Clarion who shared how happy she is to work with staff.

Mr. D. Centers congratulated Karisa and Khristi. He appreciates Mr. Watkins coming and being respectful as he tries to resolve his problem. Council and staff are going to do what they can to help. He asked when construction will start on the roundabout. Mr. Westendorf and Mr. Conway responded that it would begin summer of 2024. He has heard that there are new federal police grants available. Staff is meeting on Thursday to discuss these grant opportunities.

Vice Mayor Hall is glad to have Ms. Dunn and Ms. Steed. He congratulated Ms. Steed and said this promotion is long overdue. He thanked Mr. Watkins for coming to the meeting. He asked if kids would have to pay for water at the pool this summer. Ms. Dunn reported that cups of water would be free and bottles would be available for purchase.

The Mayor thanked Mr. Watkins for coming to the meeting. He appreciates they way he has approached the issue and would like to figure out a solution. He thanked Khristi and Karisa and said their work is appreciated. Movies in the Park return on May 28th with the Sandlot. The Memorial Day parade will be on May 30 at 10:00 AM. A resident called him about emergency situation that had occurred and expressed appreciation on how professional the responders were. The Mayor had a personal bonfire recently. He called it in to the fire department and shortly after a firefighter came to inspect the fire. He appreciated the visit and has noticed that every department is taking things to the next level. It mentioned it was good to see Ed and thanked him for covering the meeting.

12. EXECUTIVE SESSION

- A. 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.

- B. 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 Aldridge, Seconded by Fouts.
Voting Yea: D. Centers, Vice Mayor Hall, Mayor Centers, Aldridge, Fouts, Wilcher

Motion passed. Council entered into executive session at 7:08 PM with no planned action to follow.

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

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

Council exited out of executive session at 8:09 PM

13. ADJOURNMENT

Mayor Centers called for a motion to adjourn the meeting.

Motion made by Vice Mayor Hall, Seconded by Fouts.

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

Motion passed. Meeting adjourned at 8:09 PM

Brent Centers, Mayor

Khristi Dunn, Clerk of Council



LEGISLATIVE COVER MEMO

Introduction: June 6, 2022

Agenda Item: **Resolution 2022-48**

Resolution Appointing Initial Region 14 Representative and Alternate Representative to the OneOhio Recovery Foundation, Inc. Board

Submitted by: Jonathan Westendorf, City Manager

Scope/Description: 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.

Budget Impact: None

Exhibits: Exhibit A: Notification Letter from Commissioner Shannon Jones

Recommendation: Staff recommends approval.

CITY OF FRANKLIN, OHIO
RESOLUTION 2022-48

Resolution Appointing Initial Region 14 Representative and Alternate Representative to the OneOhio Recovery Foundation, Inc. Board

WHEREAS, the City of Franklin is a Local Government that has adopted and approves The OneOhio Memorandum of Understanding (“The Memorandum”), which establishes a mechanism to disburse settlement proceeds from opioid litigation into Ohio’s communities to help abate the opioid crisis, including allocations to Local Governments and Regions through a statewide Foundation; and

WHEREAS, this jurisdiction is a participant in Region 14 as established by The Memorandum; and

WHEREAS, pursuant to The Memorandum each Region shall create their own governance structure so it ensures all Local Governments have input and equitable representation regarding regional decisions including representation on the statewide Foundation Board and selection of projects to be funded from the Region’s regional Share; and

WHEREAS, the imminent distribution of Opioid Funds through the OneOhio Recovery Foundation, Inc. requires immediate appointment of a regional representative from this Region; and

WHEREAS, Regions have the responsibility to make submissions regarding the allocation of funds to projects that will equitably serve the needs of the entire Region; and

WHEREAS, Greta Hochstetler Mayer has expressed a willingness and ability to serve as the initial Region 14 Representative on the OneOhio Recovery Foundation, Inc. Board for an initial term that will begin May 16, 2022 by and upon concurrence of all Local Governments participating in Region 14, and end May 15, 2024 upon reappointment, a successor appointment, resignation or removal by the regional board.

WHEREAS, Karen Scherra has expressed a willingness and ability to serve as the initial Region 14 Alternate Representative alternate on the OneOhio Recovery Foundation, Inc. Board for an initial term that will begin May 16, 2022 by and upon concurrence of all Local Governments participating in Region 14, and end May 15, 2024 upon reappointment, a successor appointment, resignation or removal by the regional board.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Franklin, Ohio, a majority of the members present concurring, that:

Section 1. Subject to and effective upon the concurrence of all Local Governments (counties, cities, villages, townships) in Region 14, Greta Hochstetler Mayer shall be appointed as the initial Region 14 Representative to the OneOhio Recovery Foundation, Inc. Board;

Section 2. Subject to and effective upon the concurrence of all Local Governments (counties, cities, villages, townships) in Region 14, Karen Scherra shall be appointed as the initial Region 14 Alternate Representative to the OneOhio Recovery Foundation, Inc. Board;

Section 3. This Region 14 Representative and Alternate may exercise all authority of a OneOhio Recovery Foundation, Inc. Board member under Section D.3 through and including D.11 of The OneOhio Memorandum of Understanding during this initial appointment; and shall report any such actions to the regional board in this Region;

Section 4. It is hereby found that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

Section 4. This Resolution shall become effective immediately upon its passage.

ADOPTED: June 6, 2022

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of a resolution passed by that body on June 6, 2022.

Khristi Dunn, Clerk of Council



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TOM GROSSMANN
SHANNON JONES
DAVID G. YOUNG

May 25, 2022

The Honorable Brent Centers
Mayor of Franklin, Ohio
1 Benjamin Franklin Way
Franklin, Ohio 45005

Dear Mayor Centers:

I am writing to inform you that 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. A sample resolution has been included with this correspondence for your review. Please feel free to contact me with any questions regarding this selection or process.

Sincerely,

A handwritten signature in black ink that reads "Shannon Jones". The signature is written in a cursive style.

Shannon Jones
Warren County Commissioner



LEGISLATIVE COVER MEMO

Introduction: June 6, 2022

Agenda Item: **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.

Submitted by: Barry Conway, City Engineer

Scope/Description: 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.

Budget Impact: The 4th Street Resurfacing Project would cost an estimated total of \$500,000, which would be paid as follows:

- 51% in local share/City funds (\$255,000)
- 49% in OPWC funds (\$245,000)

Exhibits: None.

Recommendation: Approval to prepare and submit the application and execute any contracts as required to participate in the program.

CITY OF FRANKLIN, OHIO
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.

WHEREAS, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure;

WHEREAS, the City of Franklin is planning to make capital improvements by completing the 4th Street Resurfacing Project; and

WHEREAS, the infrastructure improvement project herein above described are considered to be a priority need for the community and is a qualified project under the OPWC programs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Franklin, Ohio, a majority of members present concurring, that:

Section 1. The City Manager is hereby authorized to apply to the OPWC for funds for capital improvements and/or local transportation improvements for the Program Year 2024 (PY 38) for the 4th Street Resurfacing Project.

Section 2. The City Manager is further authorized to enter into any agreements as may be necessary and appropriate to obtain financial assistance for this Project.

Section 3. It is found that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

Section 4. This Resolution shall be effective immediately upon its passage.

ADOPTED: June 6, 2022

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of a resolution passed by that body on June 6, 2022.

Khristi Dunn, Clerk of Council



LEGISLATIVE COVER MEMO

Introduction: June 6, 2022

Agenda Item: **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.

Submitted by: Barry Conway, City Engineer

Scope/Description: 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.

Budget Impact: 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)

Exhibits: None.

Recommendation: Approval to prepare and submit the application and execute any contracts as required to participate in the program.

CITY OF FRANKLIN, OHIO
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.

WHEREAS, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure;

WHEREAS, the City of Franklin is planning to make capital improvements by completing the Dayton-Cincinnati Pike Retaining Wall Repair Project; and

WHEREAS, the infrastructure improvement project herein above described are considered to be a priority need for the community and is a qualified project under the OPWC programs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Franklin, Ohio, a majority of members present concurring, that:

Section 1. The City Manager is hereby authorized to apply to the OPWC for funds for capital improvements and/or local transportation improvements for the Program Year 2024 (PY 38) for the Dayton-Cincinnati Pike Retaining Wall Repair Project.

Section 2. The City Manager is further authorized to enter into any agreements as may be necessary and appropriate to obtain financial assistance for this Project.

Section 3. It is found that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

Section 4. This Resolution shall be effective immediately upon its passage.

ADOPTED: June 6, 2022

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of a resolution passed by that body on June 6, 2022.

Khristi Dunn, Clerk of Council



LEGISLATIVE COVER MEMO

Introduction: June 6, 2022

Public Hearing: June 20, 2022

Effective Date: July 20, 2022

Agenda Item: **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)

Submitted by: Jonathan Westendorf, City Manager

Scope/Description: This Ordinance amends Part 7 (Business and Taxation Code), Title 1 (Business Regulation) to include a new Chapter 730 entitled “Massage Services Establishments.” The City’s Codified Ordinances do not currently provide any regulations specific to businesses that offer massage services. It is in the public interest to ensure only legitimate massage therapy services, performed by licensed massage therapists, are offered within the City limits. The new Chapter 730 provides a new City permitting process for massage services establishments (overseen by the Chief of Police), which will require such establishments to submit documentation to the City confirming they only employ licensed massage therapists to provide massage services to customers.

Vote Required for Passage: Per Section 4.03 of the City’s Charter, the passage of this Ordinance requires the affirmative vote of a majority of Council members present.

Exhibits: Exhibit A: Chapter 730

Recommendation: Approval

CITY OF FRANKLIN, OHIO
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)**

WHEREAS, the City of Franklin City Council is responsible for enacting laws to preserve the public health, safety and welfare of the citizens of the City of Franklin, Ohio;

WHEREAS, with the input of City Department heads and staff, Council has determined it is desirable and necessary to regulate establishments offering massage services within the City, to ensure massage services are only performed by qualified individuals, licensed to perform such services under Ohio law;

WHEREAS, Council desires to amend Part 7, Title 1 of the City’s Codified Ordinances to create and include a new Chapter 730 (Massage Services Establishments), providing regulations and a permitting process for massage services establishments operating within the City;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FRANKLIN, WARREN COUNTY, OHIO THAT:

Section 1. The City’s Codified Ordinances are hereby amended to include a new Chapter 730, as set forth in Exhibit A, attached hereto.

Section 2. All ordinances or parts of ordinances that conflict with this Ordinance are hereby repealed.

Section 3. It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action occurred in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

INTRODUCED: February 7, 2022

ADOPTED: March 7, 2022

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of Ordinance 2022-16 passed by that body on June 20, 2022.

Khristi Dunn, Clerk of Council

APPROVED AS TO FORM:

_____, Ben Yoder, Law Director

FRANKLIN CODIFIED ORDINANCE

Chapter 730 – Massage Services Establishments

730.01 Definitions

As used in this chapter:

“Applicant” means a person who has applied for a permit to operate a Massage Therapy Establishment in the City of Franklin.

“Licensed Massage Therapist” means a person who holds an active license under Chapter 4731 of the Ohio Revised Code to practice Massage Therapy in the State of Ohio.

“Massage Services” means any method of exerting pressure on, stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external soft tissue of the body with the hands, or with the aid of any mechanical or electrical apparatus or appliance in exchange for anything of value.

“Massage Therapy” means the treatment of disorders of the human body by the manipulation of soft tissue through the systematic external application of massage techniques including touch, stroking, friction, vibration, percussion, kneading, stretching, compression, and joint movements within the normal physiologic range of motion; and adjunctive thereto, the external application of water, heat, cold, topical preparations, and mechanical devices.

“Massage Services Establishment” means any business or establishment where Massage Services are offered for anything of value.

730.01 Permit Required

- (a) After the effective date of this chapter, all Massage Services Establishments in the City of Franklin shall be required to obtain a permit to operate within the City limits.
- (b) It shall be a violation of this chapter for any Massage Services Establishment to offer or perform Massage Services within the City of Franklin without having in force and effect a valid permit lawfully issued by the City pursuant to this chapter.

730.02 Permit Application Procedure

- (a) The City of Franklin Chief of Police, or the Chief’s designee, shall be responsible for reviewing applications for Massage Services Establishment permits. No permit shall be issued unless the Chief of Police has determined the Massage Services Establishment is in full compliance with this chapter.
- (b) Applications shall be submitted to the Chief of Police on a form approved by the City of Franklin, and shall contain or attach the following information:
 - (1) The full legal name of the Massage Services Establishment;

- (2) The full legal name, current residential address, and phone number of the Applicant;
 - (3) The address of the property on which the Massage Services Establishment shall operate;
 - (4) A copy of the Zoning Certificate issued by the City of Franklin, confirming a Massage Services Establishment is a permitted use on the subject property;
 - (5) The full legal names of all individuals who will perform Massage Services for the Massage Services Establishment;
 - (6) Copies of the license(s) issued by the State Medical Board of Ohio for each individual who will perform Massage Services for the Massage Services Establishment, certifying each individual is a Licensed Massage Therapist;
 - (7) A list of all Massage Services which will be offered at the Massage Services Establishment;
 - (8) Information regarding any prior felony or misdemeanor convictions of the Applicant and any member or officer of the Massage Services Establishment (if applicable); and
 - (9) Any other information requested at the time of the application.
- (c) The Chief of Police shall issue a written decision to the Applicant granting the permit, denying the permit, or requesting additional information within thirty (30) days following the application submission date.
- (d) All Massage Services Establishments shall display the permit required under this chapter in a conspicuous place in the Massage Service Establishment.
- (e) A permit lawfully issued in accordance with this chapter shall be valid until December 31st of the year immediately following the year of original permit issuance or renewal.
- (f) Massage Services Establishments in operation prior to the effective date of this chapter shall apply for a permit within sixty (60) days after the effective date.

730.03 Expiration and Renewal of Permits

- (a) Each permit issued pursuant to this chapter shall expire on December 31st of the year immediately following the year of original permit issuance or renewal.
- (b) A permit holder shall apply to the Chief of Police to renew the holder's permit to operate a Massage Services Establishment no later than thirty (30) days prior to the expiration date

of the permit. The process outlined in Section 730.02 shall be followed for all permit renewal applications.

- (c) The City shall notify each permit holder in writing of an impending permit expiration date a minimum of ninety (90) days prior to the expiration date of the permit.

730.04 No Permit Transfers; Changes in Information

- (a) Permits issued under this Chapter are non-transferable. A permit allowing a certain Massage Services Establishment to operate on a particular property shall not be transferred with the permit holder to allow the Massage Services Establishment to operate on another property. Nor shall a permit allowing a certain Massage Services Establishment to operate on a particular property be transferred to another permit holder to allow a different Massage Services Establishment to operate on the property.
- (b) If a Massage Services Establishment ceases operations on a property, the permit allowing the Massage Services Establishment to operate on the particular property shall be deemed null and void. A new permit must be issued if the Massage Services Establishment intends to operate on another property within the City, or if a new Massage Services Establishment intends to operate on the subject property.
- (c) In the event any information submitted with a permit application to operate a Massage Services Establishment changes at any point while the permit is in effect, the Applicant shall notify the Chief of Police in writing of the change within thirty (30) days of the effective date of the change.

730.05 Prohibitions

It shall be unlawful for:

- (a) Any business or establishment to offer or perform Massage Services, unless such Massage Services are performed by a Licensed Massage Therapist.
- (b) Any business or establishment to employ any individual to perform Massage Services, unless such individual is a Licensed Massage Therapist.
- (c) Any individual to perform Massage Services for a Massage Services Establishment, unless such individual is a Licensed Massage Therapist.
- (d) A Massage Services Establishment to operate without having in full force and effect a valid permit issued by the City of Franklin Chief of Police.
- (e) Any individual or entity to violate any provision of this Chapter.

730.06 Inspections; Revocation of Permit

- (a) The City of Franklin may cause inspections of a Massage Services Establishment to be performed at any time to determine compliance with the requirements of this chapter.

- (b) The following individuals may conduct an inspection of a Massage Services Establishment upon the direction of the City of Franklin:
 - (1) A City of Franklin Police Officer;
 - (2) Any Code enforcement officer of the City of Franklin;
 - (3) The Warren County Health Commissioner, or the Commissioner’s designee; and
 - (4) Any other individual duly authorized by the City of Franklin to perform an inspection of a Massage Services Establishment.

- (c) If the City has reasonable cause to believe a permit holder or Massage Services Establishment is in violation of any provision of this chapter, the Chief of Police may:
 - (1) Provide the permit holder with notice of the violation and allow the permit holder an opportunity to remedy the violation; and/or
 - (2) Revoke any permit issued to the permit holder and/or Massage Services Establishment upon written notice of revocation to the permit holder.

730.07 Appeals

- (a) Any Applicant who objects to a decision of the Chief of Police denying an original permit application or a permit renewal application shall have the right to appeal the decision to City Council.

- (b) Any permit holder who objects to a determination of any City official that the permit holder, or the Massage Services Establishment for which the permit is held, has violated any provision of this chapter shall have the right to appeal the decision to City Council.

- (c) An appeal to Council brought under this Section shall be filed with the Clerk of Council within thirty (30) days of the date the decision being appealed was rendered. Council shall set the matter for hearing at its earliest convenience.

- (d) Council shall issue a written decision affirming, modifying or reversing the decision on appeal within thirty (30) days following the appeal hearing.

730.08 Exemptions

The provisions of this chapter shall not apply to the following:

- (a) Hospitals, medical facilities and public health centers (as defined in Ohio Revised Code 3701.01);

- (b) An individual licensed or registered by the State of Ohio Medical Board (other than Licensed Massage Therapist) while engaged in his/her licensed or registered profession;
- (c) A licensed chiropractor, podiatrist or nurse, or any other licensed health professional while engaged in his/her licensed or registered profession;
- (d) A licensed cosmetologist, registered barber, registered barber apprentice or nail salon technician performing Massage Services customarily associated with his/her professional cosmetic services and administered only to the scalp, face, neck, shoulders, feet or hands;
- (e) A trainer for any amateur, semiprofessional or professional athlete or athletic team or school athletic program, performing Massage Services customarily associated with his/her professional training services;
- (f) A person working under the direct supervision of establishments or individuals mentioned in this Section 730.08, while engaged in his/her licensed or registered profession; and
- (g) A person undertaking required course work to become a Licensed Massage Therapist, while working under the direct supervision of a currently Licensed Massage Therapist.

730.09 Penalty

Whoever violates any provision of this chapter shall be deemed guilty of a misdemeanor of a third degree and fined not more than five hundred dollars (\$500.00). A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.



LEGISLATIVE COVER MEMO

Introduction: June 6, 2022

Public Hearing: June 20, 2022

Effective Date: July 20, 2022

Agenda Item: **Ordinance 2022-17**

EXTENDING THE DEVELOPMENT MORATORIUM ON NEW COMMERCIAL DEVELOPMENT WITHIN THE DOWNTOWN REVITALIZATION AREA FOR AN ADDITIONAL 180 DAYS

Submitted by: Jonathan Westendorf, City Manager

Scope/Description: The City of Franklin currently has a development moratorium in effect on the acceptance of applications for major subdivisions, major site plans, planned unit developments, and Zoning Map amendments for new commercial developments within the Downtown Revitalization Area. The purpose of the moratorium is to give the City time to evaluate the types of public infrastructure, building improvements and land uses best-suited for the Downtown Revitalization Area (and potentially adopt amendments to the City’s Comprehensive Plan, Uniform Development Code and Zoning Map to facilitate such improvements/uses). The moratorium is set to expire on August 21, 2022. The City needs additional time to fulfill the purposes of the moratorium. This Ordinance extends the current moratorium for an additional 180 days following the current August 21st expiration date.

Exhibits: Exhibit A: Downtown Revitalization Area Map

Vote Required for Passage: Per Section 4.03 of the City’s Charter, the passage of this Ordinance requires the affirmative vote of a majority of members of Council present.

Recommendation: Approval

CITY OF FRANKLIN, OHIO
ORDINANCE 2022-17

**EXTENDING THE DEVELOPMENT MORATORIUM ON NEW COMMERCIAL DEVELOPMENT
WITHIN THE DOWNTOWN REVITALIZATION AREA FOR AN ADDITIONAL 180 DAYS**

WHEREAS, Ohio Revised Code Chapter 713 authorizes the City of Franklin, Ohio to regulate zoning and land use of real property located within its territorial boundaries to promote the public health, safety, convenience, comfort, prosperity, or general welfare;

WHEREAS, in conformance with, and furtherance of Ohio Revised Code Chapter 713, the Franklin City Council adopted the City's Comprehensive Plan, Unified Development Code ("UDO) and Zoning Map;

WHEREAS, following new construction projects and other development opportunities in the City in 2021, City Council commissioned a Downtown Revitalization Study to evaluate potential public roadway, building façade, and land use improvements that may be warranted in the downtown areas described in the attached Exhibit A (the "Downtown Revitalization Area");

WHEREAS, on August 16, 2021, City Council passed Ordinance 2021-24, establishing a 180-day development moratorium on new commercial development within the Downtown Revitalization Area to allow the City time to evaluate the types of public infrastructure, building improvements and land uses best-suited for the Downtown Revitalization Area, and potentially adopt amendments to the City's Comprehensive Plan, Uniform Development Code and Zoning Map to facilitate such improvements and uses;

WHEREAS, on February 7, 2022, City Council passed Emergency Ordinance 2022-05, followed by non-emergency Ordinance 2022-08 on March 7, 2022, extending the moratorium an additional 180 days;

WHEREAS, the current development moratorium is set to expire on August 21, 2022;

WHEREAS, the City's evaluation of, and discussions about, public infrastructure, building improvements and land uses best-suited for the Downtown Revitalization Area, and potential amendments to the City's Comprehensive Plan, Uniform Development Code and Zoning Map to facilitate the same, are ongoing, and the City requires additional time to fulfill the purposes of the current development moratorium; and

WHEREAS, given the importance of the Downtown Revitalization Area to the City's future public convenience, comfort, prosperity and general welfare, City Council finds it necessary to extend the current moratorium on new commercial development in the Downtown Revitalization Area for an additional 180 days following the current August 21, 2022 expiration date of the moratorium.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FRANKLIN, WARREN COUNTY, OHIO THAT:

Section 1. The current development moratorium on new commercial development within the Downtown Revitalization Area enacted through Ordinance 2021-24, effective on September 5, 2021 and extended through Ordinances 2022-05 and 2022-08, set to expire on August 21, 2022, is hereby extended for an additional 180 days following its current expiration date. The new moratorium expiration date shall, therefore, be February 17, 2023.

Section 2. During the moratorium, City staff shall be prohibited from accepting applications for major subdivisions, major site plans, planned unit developments and Zoning Map amendments for new commercial developments within the Downtown Revitalization Area.

Section 3. This moratorium shall not apply to applications for minor subdivisions, minor site plans, conditional uses, or variances involving existing commercial developments in the Downtown Revitalization Area; or those persons having a vested interest in new commercial development with the Downtown

Revitalization Area, with “vested interest” defined to mean an approved or pending application for a major subdivision, major site plan, planned unit development, or Zoning Map amendment for new commercial development within the Downtown Revitalization Area.

Section 4. City staff engaged in studying the Downtown Revitalization Area in furtherance of the purposes of this moratorium shall keep Council apprised of their progress throughout the moratorium period towards determining appropriate public infrastructure, building improvements and land uses for the Downtown Revitalization Area, and the potential need for amendments to the City’s Comprehensive Plan, UDO and Zoning Map to facilitate the same. Council reserves the right to terminate the moratorium prior to the new February 17, 2023 expiration date if Council determines, in its sole discretion, that the purposes for the moratorium have been fulfilled.

Section 5. It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action occurred in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

Section 6. This Ordinance shall go into effect on July 20, 2022

INTRODUCED: June 6, 2022

ADOPTED: June 20, 2022

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
Brent Centers, Mayor

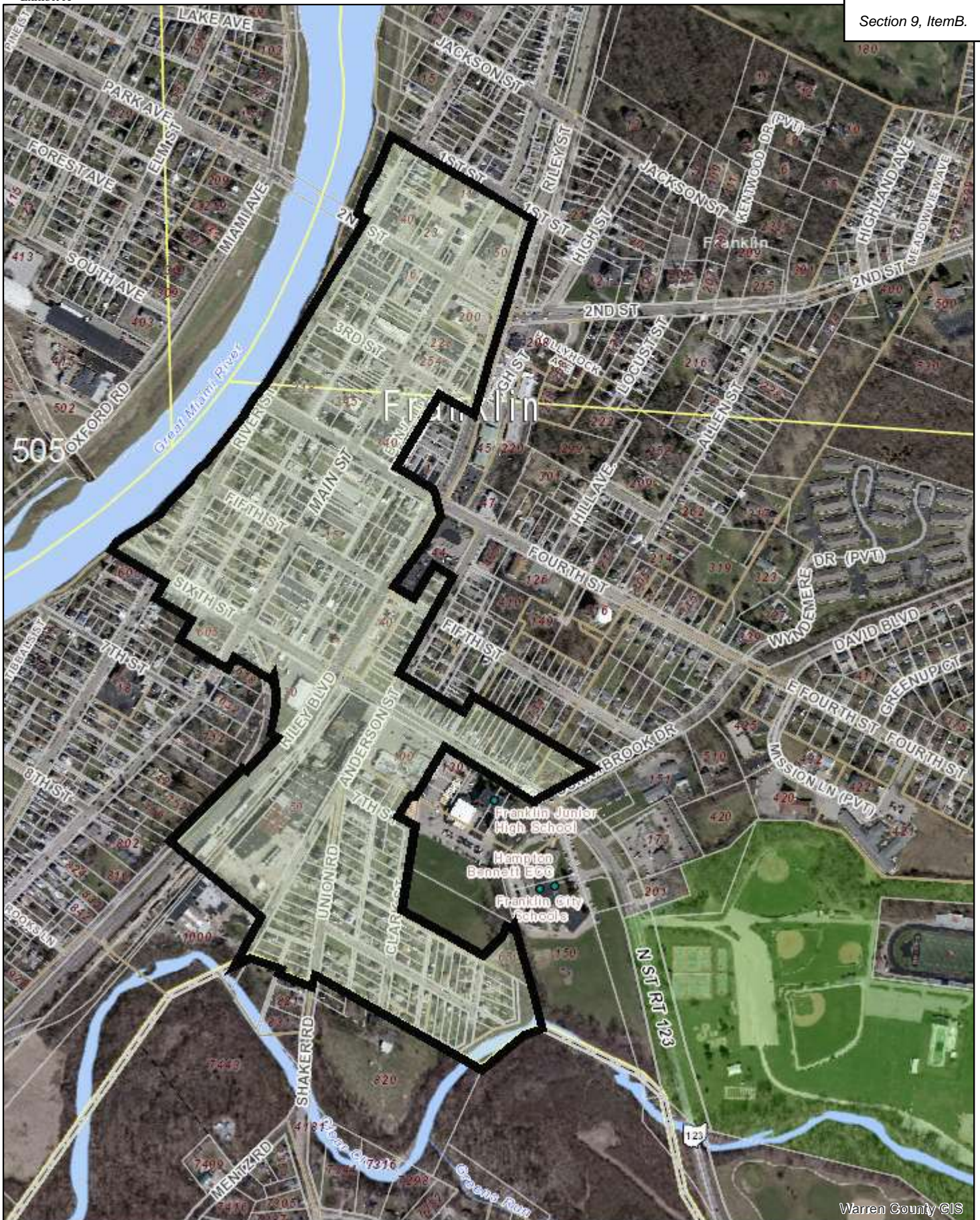
CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of Ordinance 2022-17 passed by that body on June 20, 2022.

Khristi Dunn, Clerk of Council

APPROVED AS TO FORM:

Ben Yoder, Law Director



Warren County GIS

Date: 7/27/2021

Cadastral Lines	Corporate Line	Parcel Line	Hardware
Other values	County Line	ROW Unknown Width Line	Subdivision Lot Line
Line Type	Farm Lot Line	Road ROW	Township and Range Line
Auditors Tract Line	Overpass Line	School Line	Tract Line
Civil Township Line	Subvision Limit Line	Section Line	VMS Line
			Waste Road Line

Exhibit A

1 inch = 600 feet

The provider makes no warranty or representation with respect to its information, its quality or suitability for a particular purpose. This information is provided AS IS, and the requester assumes the entire risk as to its quality and suitability. The provider will not be liable for direct, indirect, incidental, or consequential damages resulting from any defect in the information. The provider shall have no liability for any other information, programs or data used with or combined with the requested information, including the cost of recovering information, programs or data.



LEGISLATIVE COVER MEMO

Introduction: June 6, 2022

Public Hearing: June 20, 2022

Effective Date: July 20, 2022

Agenda Item: **Ordinance 2022-18**

LEVYING ASSESSMENTS FOR THE IMPROVEMENT OF CITY STREETS AND PUBLIC WAYS BY THE LIGHTING THEREOF FOR THE YEAR 2023

Submitted by: Khristi Dunn, Clerk of Council

Scope/Description: This is the last step Council must act upon to implement the annual street lighting assessments for 2023.

Vote Required for Passage: Per Section 4.03 of the City's Charter, the passage of this Ordinance requires the affirmative vote of a majority of members of Council present.

Budgetary Impact: \$170,000 is the total project cost for 2023. The City funds 2% of the total, or \$3,400.

Recommendation: Approval

CITY OF FRANKLIN, OHIO
ORDINANCE 2022-18

**LEVYING ASSESSMENTS FOR THE IMPROVEMENT OF CITY STREETS AND PUBLIC WAYS BY THE LIGHTING THEREOF
FOR THE YEAR 2023**

WHEREAS, the City of Franklin City Council, on April 18, 2022, duly adopted Resolution 2022-33, declaring the necessity of improving City streets and public ways within the corporate limits of the City by the lighting thereof, said lighting to be provided by electrical lighting, for the year 2023;

WHEREAS, this Council, by Ordinance 2022-15 adopted on May 2, 2022, determined to proceed with said improvement;

WHEREAS, the actual cost of the improvement has been ascertained, and the amount of the special assessments have been increased or decreased in the same proportion to the estimated assessments as the actual cost of the improvements bears to the estimated cost of the improvement upon which the estimated assessments were based; and

WHEREAS, Ohio Revised Code 727.25 requires this Council, after the actual cost of improvement has been ascertained, to assess by Ordinance, upon the lots and lands enumerated in the estimated assessment, that portion of the total costs of the improvements to be paid for by special assessments.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FRANKLIN, WARREN COUNTY, OHIO THAT:

Section 1. The adjusted assessment of the cost of improving City streets and public ways by the lighting thereof, said lighting to be provided by electrical lighting, in the City of Franklin, Ohio for the year 2023, as reported to this Council and filed in the office of the Clerk of Council, and aggregating One Hundred Seventy Thousand Dollars and No Cents (\$170,000.00), is adopted and affirmed. The City shall pay two percent (2%) of the cost of the improvement.

Section 2. There are hereby levied and assessed upon all lots and lands lying within the corporate limits of the City of Franklin, Ohio the several amounts reported in the adjusted assessments, which assessments are in proportion to the tax value of said lots and lands. The assessments do not exceed any statutory limitations.

Section 3. The portion of the cost of the improvement to be assessed against benefited property, in the amount of One Hundred Sixty-Six Thousand Six Hundred Dollars and No Cents (\$166,600.00), shall be assessed in the amount, manner and number of installments provided in Resolution 2022-33, adopted on April 18, 2022, which declared the necessity of the improvements.

Section 4. The adjusted assessments are in the same proportion to the estimated assessments as the actual cost of the improvement bears to the estimated cost upon which such estimated assessments were based.

Section 5. The total assessment against each lot and parcel of land shall be payable, in cash, to the Finance Director of the City of Franklin within thirty (30) days after passage of this Ordinance or, at the option of the property owner assessed, in two (2) semi-annual installments. All assessments which have not been paid at the expiration of the thirty (30) day period shall be certified by the Finance Director to the County Auditor, to be placed on the tax duplicate and collected in the same as other taxes are collected, as provided by law.

Section 6. The Clerk of Council is directed to cause notice of the passage of this Ordinance to be published once in a newspaper of general circulation in the City, as required by law.

Section 7. The Finance Director is authorized and directed to keep the adjusted assessments on file in her office for as long as any portion of the assessments remain unpaid.

Section 8. The Finance Director is directed to cause notice of the levy of the assessments herein to be filed with the County Auditor within thirty (30) days after the passage of this Ordinance.

Section 9. It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

Section 10. This Ordinance shall go into effect July 20, 2022.

INTRODUCED: June 6, 2022

ADOPTED: June 20, 2022

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of Ordinance 2022-18 passed by that body on June 20, 2022.

Khristi Dunn, Clerk of Council

Approved as to form: _____
Ben Yoder, Law Director



LEGISLATIVE COVER MEMO

Introduction: June 6, 2022
Public Hearing: June 20, 2022
Effective Date: July 20, 2022
Agenda Item: **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

Submitted by: Jonathan Westendorf, City Manager

Scope/Description: Cap 5 Development, LLC is under contract to purchase over 100 acres of undeveloped land currently located in Franklin Township and abutting the City of Franklin’s corporate boundaries. Cap 5 intends to develop the property into a single-family residential development and desires to annex the property into the City of Franklin in order to utilize the City’s services. The City supports the annexation. The Pre-Annexation Agreement generally states Cap 5’s intent to develop the property and file an annexation petition with the Warren County Board of County Commissioners, the City’s intent to pass future resolutions supporting the annexation, and the parties’ understanding that Cap 5 will pursue a rezone of the property to a Residential PUD classification in connection with the annexation.

Exhibits: Exhibit A: Pre-Annexation Agreement

Vote Required for Passage: Per Section 4.03 of the City’s Charter, the passage of this Ordinance requires the affirmative vote of a majority of members of Council present.

Recommendation: Approval

CITY OF FRANKLIN, OHIO
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**

WHEREAS, Cap 5 Development, LLC (“Petitioner”) is currently under contract to purchase approximately 109.6 acres of real property presently located in Franklin Township, Warren County, Ohio (the “Property”), which is more particularly described in the Pre-Annexation Agreement attached as “Exhibit A” to this Ordinance and incorporated herein by reference;

WHEREAS, the Property abuts the current corporate boundaries of the City of Franklin;

WHEREAS, Petitioner desires to annex the Property into the City in order to obtain municipal services to support future development on the Property; and

WHEREAS, the City Council of the City of Franklin has determined that annexation of the Property into the City is mutually beneficial and desirable, and the Pre-Annexation Agreement attached as “Exhibit A” to this Ordinance properly sets forth the understandings and agreement of both the City and Petitioner with respect to the proposed annexation.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FRANKLIN, WARREN COUNTY, OHIO THAT:

Section 1. The City Manager is hereby authorized to execute the Pre-Annexation Agreement, in substantially the same form as the attached “Exhibit A”, on behalf of the City of Franklin.

Section 2. The City Manager, Law Director and other appropriate City officials are hereby authorized to take such actions, and prepare and execute such documents, as are necessary to effectuate the Pre-Annexation Agreement and otherwise carry out the intent of this Ordinance.

Section 3. It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

Section 4. This Ordinance shall go into effect on July 20, 2022.

INTRODUCED: June 6, 2022

ADOPTED: June 20, 2022

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of Ordinance 2022-19 passed by that body on June 20, 2022.

Khristi Dunn, Clerk of Council

Approved as to form: _____
Ben Yoder, Law Director

PRE-ANNEXATION AGREEMENT

This PRE-ANNEXATION AGREEMENT (the "Agreement") is made and entered into by, between and among the Council of the city of Franklin, the legislative authority of and for the City of Franklin, an Ohio municipal corporation (the "City"), and Cap 5 Development, LLC, an Ohio limited liability company ("Developer") under the following circumstances:

- A. Developer has a contract to acquire fee simple title to approximately 109.6 acres ± of undeveloped land located in Franklin Township, Warren County, Ohio, with County Parcel ID No. 0835200001. A portion of this undeveloped land (that land not subject to the public road right-of-way) is proposed to be annexed into the City; specifically, the land more particularly described on Exhibit A and depicted on Exhibit B attached hereto and made a part hereof (collectively, the "Property"); and
- B. Developer with the consent of the owner of the Property (the "Owner") as provided herein, desires to annex the Property into the City in order to obtain the City's services; and
- C. The Developer, the Owner and the City can benefit by having the Property annexed into the City.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the City and Developer hereby agree as follows:

- 1. Annexation.
 - (a) The Developer will, at its own expense, prepare and file the necessary annexation petition executed by the Owner, with accompanying map or plat with the Warren County Board of County Commissioners ("Commissioners") within ninety (90) days after the execution of this Agreement. The Owner will sign the annexation petition as prepared and will support and not withdraw its name or request withdrawal of the petition or petitions during the annexation process and/or any subsequent administrative or legal action involving pursuit of the annexation.
 - (b) The annexation petition shall be filed as an "Expedited Type 2" annexation as provided in Section 709.023 of the Ohio Revised Code.
 - (c) The City acknowledges its intent to pass a service resolution and/or any necessary supporting resolutions as required by Section 709.023(C) of the Ohio Revised Code within twenty (20) days of the date of the filing of the annexation petition with the Commissioners. Under the service resolution, the City will make available to the Property all City services available to other parts of the City, including fire and police protection, emergency medical, waste collection, water, sanitary sewer, zoning, and City street maintenance services, which services will be provided to the extent and in the same manner as provided to other parts of the City. The service resolution will establish the approximate

date when those services will be available to the Property, once annexed. The service resolution shall provide a statement of incompatible land uses and zoning buffer as required by Section 709.023(C) of the Ohio Revised Code.

(d) The Developer, the Owner, and the City agree to cooperate and provide information necessary for the Commissioners for any review of the annexation as required by Section 709.023 of the Ohio Revised Code.

(e) Should the annexation petition be granted by the Commissioners, the Owner, the Developer, and the City agree to further process the annexation as provided by law, subject to the terms of this Agreement.

2. Zoning.

(a) Upon annexation the City shall be solely responsible for the zoning of the Property. Initially the Property will automatically be zoned I-2, with the City understanding, however, that the proposed use is for single family development and a rezoning to that proposed use, via a (Residential) Planned Unit Development Overlay District (“Residential PUD”), will be applied for and processed under the applicable provisions of the City's zoning code.

(b) Contemporaneously with, or shortly after, the filing of the annexation petition, the parties agree that the Developer-Owner will apply for re-zoning to a Residential PUD classification which will, among other things, permit the Developer-Owner’s intended use as a single-family housing community as generally depicted in Exhibit C (Preliminary Site Plan). The City Administration agrees that it will expeditiously process the application to so re-zone the Property.

- i. As part of the re-zoning process, Developer shall conduct a Traffic Impact Study (“TIS”). Developer acknowledges that recommendation for approval by Planning Commission and/or approval by Council of the proposed re-zoning will be conditioned on Developer making any road and related improvements necessary to address impacts indicated in the TIS.

(c) The City recognizes that if the Commissioners grant the annexation petition, once the annexation proceedings are placed before City Council by the City Clerk, the City has one hundred twenty days (120) days to accept or reject the annexation. The City agrees that it will not accept the annexation of the Property unless and until it is prepared to contemporaneously rezone the Property through the requisite planning and zoning process to the Residential PUD classification, in a form that is substantially similar to Exhibit C. If the re-zoning cannot be accomplished and/or the re-zoning is referred to the voters or defeated for any reason, or the other conditions of this Agreement cannot be met as acceptable to the Developer and the Owner, the City agrees that, upon written request of the Owner and Developer, it will not annex the Property. The City agrees, to the extent

possible, to adopt the requisite ordinance(s) and/or resolution(s) necessary to accept the annexation and approval of the re-zoning contemporaneously, with the goal of deciding both issues at the same meeting.

(d) The City will consider proposed tax increment financing for any public streets and/or other public improvements in the proposed residential development of the Property, provided that the City reserves the right to approve the financial aspects and all other terms and conditions of any proposed tax increment financing.

3. Platting. Once the annexation to the City has been completed and the re-zoning approved, the Owner may submit, if desired by Owner, a preliminary and final plat. If filed, the City agrees to process the preliminary and/or final plat application as soon as practical under the City's Subdivision Rules and Regulations and will attempt to provide the engineering reviews and other items necessary for preliminary and/or preliminary and final combined plats in a reasonable and expeditious manner. It is understood that the platting will meet the City's Subdivision Rules and Regulations, including but not limited to standards and regulations relating to streets, street/road improvements, and traffic; and the regular fees for such review will be applied.

4. Waiver. The failure of any party to insist upon strict adherence to any term of this Agreement on any occasion shall not be considered a waiver of any right hereunder, nor shall it deprive that party of the right thereafter to insist upon strict adherence to that term or any other term of this Agreement. Any waiver must be made in writing.

5. Execution. This Agreement shall not be binding on the parties unless and until it has been signed on their behalf by a duly authorized representative. Commencement of performance hereunder shall not constitute a waiver of this requirement. This Agreement may be executed in one or more counterparts by either party hereto and by all parties hereto in separate counterparts, each of which, when so executed and delivered to the other parties, shall be deemed an original. All such counterparts together shall constitute one and the same instrument.

6. Severability. If any provision of this Agreement should be or become fully or partly invalid or unenforceable for any reason whatsoever or violate any applicable law, this Agreement is to be considered divisible as to such provision and such provision is to be deleted from this Agreement, and the remainder of this Agreement shall be deemed valid and binding as if such provision were not included herein.

7. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio.

8. Relationship of the Parties. Except as expressly stated and provided for herein, neither anything contained in this Agreement nor any acts of the parties hereto shall be deemed or construed by the parties hereto, or any of them, or by any third person, to create

the relationship of principal and agent, or of partnership, or of joint venture, or of association between any of the parties to this Agreement.

9. No Third-Party Beneficiary. The provisions of this Agreement are for the exclusive benefit of the City, the Developer and the Owner and not for the benefit of any other person or entity, nor shall this Agreement be deemed to have conferred any rights, express or implied, upon any other person or entity.

10. Time is of the Essence. Time is of the essence for all matters in this Agreement and each party shall diligently pursue and complete its obligations hereunder. In the event any deadline falls on a weekend or holiday the deadline shall be extended to the next business day, being Monday through Friday.

11. Force Majeure. Neither party shall be in default in the performance of any obligation on such party's part to be performed under this Agreement, other than an obligation requiring payment of a sum of money, if and so long as the non-performance of such obligation shall be directly caused by labor disputes, lockouts, acts of God, enemy action, civil commotion, pandemic, epidemic, governmental order, rule or regulations, riot, and conditions that could not have been reasonably foreseen by the claiming party.

12. Assignment of Agreement. Developer shall not assign this Agreement, or any part thereof, or any duty, obligation, privilege or right granted under this Agreement to any other developer, person, or entity without the express written consent of the City, which shall not be unreasonably withheld.

13. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the parties and their respective successors and permitted assigns.

14. Entire Agreement/Merger/Modification. This Agreement contains the entire agreement between the parties hereto with respect to the subject matter set forth herein and supersedes any and all other agreements, oral or written. No modification, amendment, alternation, or addition shall be made to this Agreement except in a writing duly executed by the City and the Developer (with written consent thereto by the Owner).

15. Joinder of Owner. The Owner joins in the execution of this Agreement to consent to the terms hereof and to acknowledge Owner's agreement to sign the annexation petition and perform the other actions of Owner contemplated by this Agreement.

16. Effective Date. This Agreement shall be effective when duly signed by the Developer, the City, and the Owner.

[Remainder of Page Intentionally Left Blank]

The foregoing Agreement was executed this ____ day of _____, 2022.

DEVELOPER:

CAP 5 DEVELOPMENT, LLC,
an Ohio limited liability company

By: _____

Name:

Title:

STATE OF OHIO)
) SS.
COUNTY OF MONTGOMERY)

BEFORE ME, a Notary Public in and for such County and State, personally appeared _____, the _____ of Cap 5 Development, LLC, an Ohio limited liability company, who acknowledged that he did sign the foregoing instrument for and on behalf of such company, and that the same is the free act and deed of such officer and the free act and deed of him personally and as such Company. This is an acknowledgment. No oath or affirmation was administered to the signer with regard to this notarial act.

IN TESTIMONY, I set my hand and official seal this ____ day of _____, 2022.

Notary Public (Seal)

CONSENT AND AGREEMENT OF OWNER:

OWNER:

Mary L. Werline, Trustee of the Werline Family
Revocable Living Trust UAD

STATE OF OHIO)
) SS.
COUNTY OF WARREN)

BEFORE ME, a Notary Public in and for such County and State, personally appeared Mary L. Werline, Trustee of the Werline Family Revocable Living Trust UAD, who acknowledges that she did sign the foregoing instrument, and that the same is her free act and deed personally and in her trust capacity. This is an acknowledgment. No oath or affirmation was administered to the signer with regard to this notarial act.

IN TESTIMONY, I set my hand and official seal this _____ day of _____, 2022.

Notary Public (Seal)

CITY:

CITY OF FRANKLIN, an Ohio municipal
corporation

By: _____

Name:

Title:

Date:

Approved as to Form:

City Attorney

Exhibit A

[Legal Description of Property to be Annexed]

Annexation Description Containing 107.403 Acres

Situated in Section 35, Town 3, Range 4 M.Rs., Franklin Township, Warren County, State of Ohio, and being part of a 109-acre parcel owned by Mary L. Werline, Trustee by Official Record 1816, Page 917 and being more particularly described as follows;

Beginning at the northeast corner of Section 35, said corner monumented by a found 24" diameter deciduous tree (witness a 5/8" iron pin with no cap South 05°57'39" West a distance of 14.8 feet), said point being the northwest corner Lot 3 of Franklin Business Park Two Section One as recorded in Plat Book 51, Page 88 and in the south line of Bunnell Hill Development as recorded in Deed Book 5144, Page 639;

Thence with the easterly line of said Section 35 and the westerly line of said Lot 3 and Lot 4 of said Franklin Business Park Two Section One, and the westerly line of a parcel conveyed to Neil and Janet Amy Hoffman in Official Record 946, Page 787, and in part along the corporation line of the City of Franklin, **South 05°57'39" West**, a distance of **1716.23 feet**, (passing a found 1/2" iron pin with no cap at 986.12 feet) to the northerly right-of-way line of Manchester Road;

Thence along said right-of-way line of Manchester Road **North 86°26'25" West**, a distance of **2576.24 feet** to the easterly right-of-way line of Shaker Road;

Thence along said right-of-way line of Shaker Road **North 23°09'39" West**, a distance of **351.29 feet**;

Thence continuing along said right-of-way line of Shaker Road **North 05°03'44" East**, for a distance of **1386.23 feet** to the southerly line of aforesaid Bunnell Hill Development;

Thence, along the southerly line of said Bunnell Hill Development and a parcel conveyed to the City of Franklin in Official Record 4702, Page 722, said line being the corporation line of the City of Franklin, **South 86°45'16" East**, for a distance of **2769.80 feet** to the **Point of Beginning**, containing 107.403 acres, more or less, and being subject to all other rights-of-way, easements, restrictions, covenants, and/or conditions of record.

The above description is the result of a survey prepared by Sean T. Brooks & CESO, Ohio Registered surveyor No. 8828, dated January 2022, the survey plat of which is filed in Vol. ____ Plat ____ of the Warren County Engineer's Record of Land Surveys.

2-2-2022

Sean T. Brooks, PS
Ohio P.S. #8828

Date

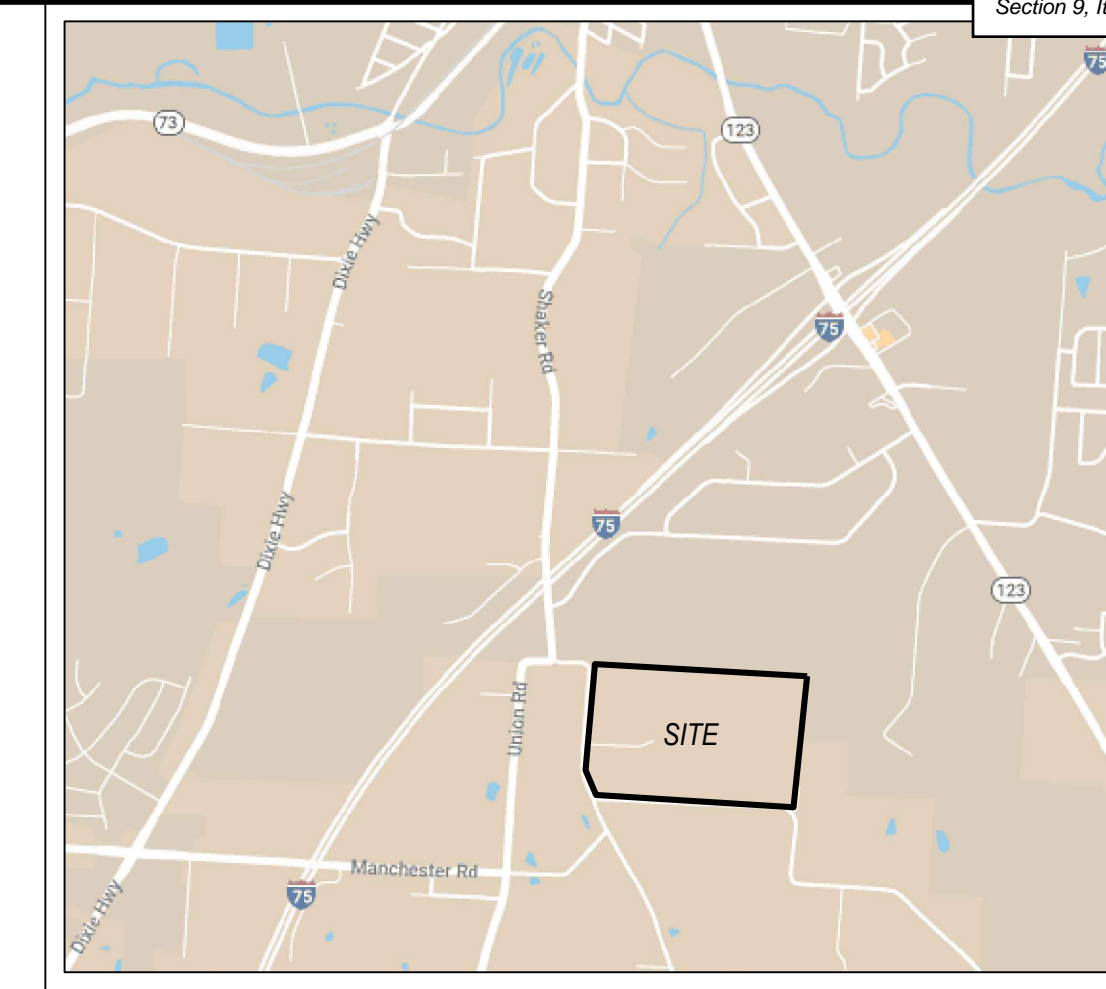


EXHIBIT A

Exhibit B

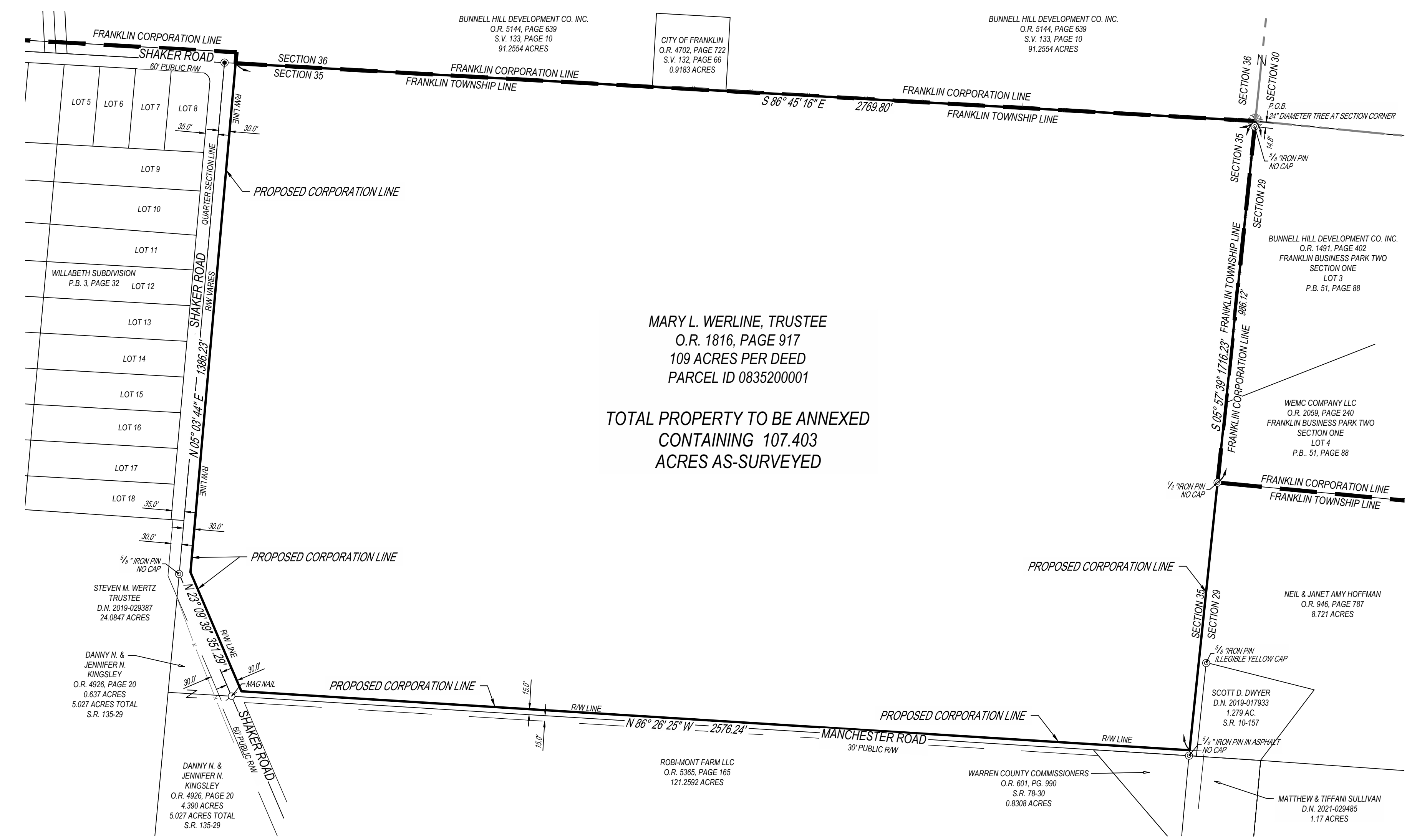
[Annexation Plat/Map]

CITY OF FRANKLIN ANNEXATION OF WERLINE PROPERTY
 107.403 ACRE ANNEXATION IN SECTION 35, TOWN 3, RANGE 4 M.Rs., FRANKLIN TOWNSHIP, WARREN COUNTY, OHIO
 THE PERIMETER OF THE TERRITORY SHOWN HEREIN IS 8,799.79 FEET, OF WHICH 3,755.92 FEET (42.68%) IS CONTIGUOUS WITH THE EXISTING CORPORATION LINE.



VICINITY MAP:
NOT TO SCALE

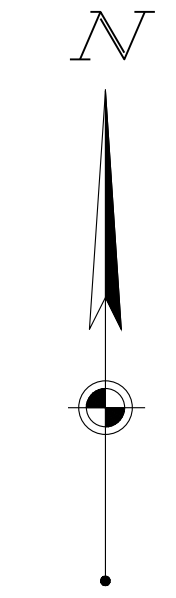
- LEGEND**
- 5/8" x 30" IRON REBAR SET WITH YELLOW CESO CAP
 - ⊙ IRON PIN FOUND AS NOTED
 - ⚡ MAG NAIL FOUND
 - PROPOSED CORPORATION LINE
 - ADJOINER PROPERTY LINE
 - RIGHT-OF-WAY LINE
 - SECTION LINE
 - EXISTING CORPORATION LINE
 - PROPOSED ANNEXATION AREA



MARY L. WERLINE, TRUSTEE
 O.R. 1816, PAGE 917
 109 ACRES PER DEED
 PARCEL ID 0835200001

TOTAL PROPERTY TO BE ANNEXED
 CONTAINING 107.403
 ACRES AS-SURVEYED

THIS PLAT IS FOR ANNEXATION
 PURPOSES ONLY



SURVEY NOTES:

- NORTH AND BEARING SYSTEM BASED ON THE OHIO STATE PLANE - SOUTH, NAD 83 AND UPON GPS OBSERVATIONS TAKEN BY CESO INC IN NOVEMBER OF 2021. SCALED TO GROUND AT A LAT. N39°31'33.82230", LONG. W84°17'44.14211" AT A PROJECT HEIGHT OF 754.988 FEET AND A SCALE FACTOR OF 1.00009715313252.
- ALL DATA SOURCES, DOCUMENTS AND RECORDS SHOWN HEREON ARE ON FILE AT THE WARREN COUNTY RECORDER'S OFFICE LOCATED IN LEBANON, OHIO, UNLESS NOTED OTHERWISE.
- SURVEY PREPARED FROM FIELDWORK PERFORMED IN NOVEMBER OF 2021. ALL MONUMENTATION SHOWN HEREON IS IN GOOD CONDITION UNLESS OTHERWISE NOTED.
- ACCESS TO THE SUBJECT PARCEL IS AVAILABLE VIA SHAKER ROAD AND MANCHESTER ROAD BEING PUBLIC RIGHT-OF-WAYS.
- OCCUPATION GENERALLY FITS THE BOUNDARY LINES AS SHOWN.

SURVEYORS CERTIFICATION:
 I HEREBY CERTIFY THAT THIS PLAT OF SURVEY IS A CORRECT REPRESENTATION OF A FIELD SURVEY PERFORMED BY CESO IN NOVEMBER OF 2021 UNDER MY DIRECTION. I FURTHER CERTIFY THAT ALL MONUMENTS HAVE BEEN SET OR FOUND AS INDICATED.

SEAN T. BROOKS P.S. _____ DATE _____
 OHIO PROFESSIONAL SURVEYOR #8828

COUNTY COMMISSIONERS:

WE, THE BOARD OF COUNTY COMMISSIONERS OF WARREN COUNTY, OHIO DO HEREBY APPROVE THIS PLAT ON THIS ____ DAY OF _____, 20__

COMMISSIONERS _____

PRINTED NAME _____

PRINTED NAME _____

PRINTED NAME _____

CITY APPROVAL:

CITY OF FRANKLIN CLERK _____

PRINTED NAME _____ DATE _____

COUNTY RECORDER:

FILE NO. _____

RECEIVED THIS ____ DAY OF _____, 20__, AT ____ A.M./P.M.

RECORDED THIS ____ DAY OF _____, 20__, AT ____ A.M./P.M.

RECORDED IN PLAT BOOK NO. _____, PAGE _____

FEE: _____

BY: _____ DEPUTY WARREN COUNTY RECORDER

COUNTY AUDITOR:

TRANSFERRED THIS ____ DAY OF _____, 20__

BY: _____ DEPUTY WARREN COUNTY AUDITOR

EXHIBIT B

REVISIONS		
NO.	DATE	DESCRIPTION

107.403 ACRE ANNEXATION

MARY L. WERLINE, TRUSTEE

5764 SHAKER ROAD
FRANKLIN TOWNSHIP
SCALE: 1" = 200'

SEC 35, T3, R4 M.Rs.
WARREN COUNTY, OHIO
DATE: 02/08/2022

DESIGN: N/A	JOB NO.: 759872
DRAWN: DAS	SHEET NO.: 1 OF 1
CHECKED: JKH	

CESO
WWW.CESOINC.COM

Exhibit C

[Preliminary Site Plan]

Site Development

Site Jurisdiction:	Warren County
Overall Site AC:	±109 AC
Dedicated ROW AC:	±3.69 AC
Net Site AC:	±105.31 AC
Existing Zoning:	A1
Proposed Zoning:	PUD (Annex into the City of Franklin)
Proposed Lots:	340
Proposed Density:	± 3.23 DUA
Required Parkland:	± 9.40 AC (340 x 3.25 x 0.0085)
Proposed Parkland/COS:	± 20.9 AC
Pocket Park 1:	± 0.14 AC
Pocket Park 2:	± 0.15 AC
Pocket Park 3:	± 0.16 AC
Pocket Park 4:	± 0.16 AC
Park A:	± 6.15 AC
COS 1:	± 2.50 AC
COS 2:	± 5.59 AC
COS 3:	± 6.05 AC

- 37 (60' x 120')
- 36 (55' x 120')
- 267 (50' x 120')
- WQ - Water Quality
- COS - Common Open Space
- POCKET PARK (PP)

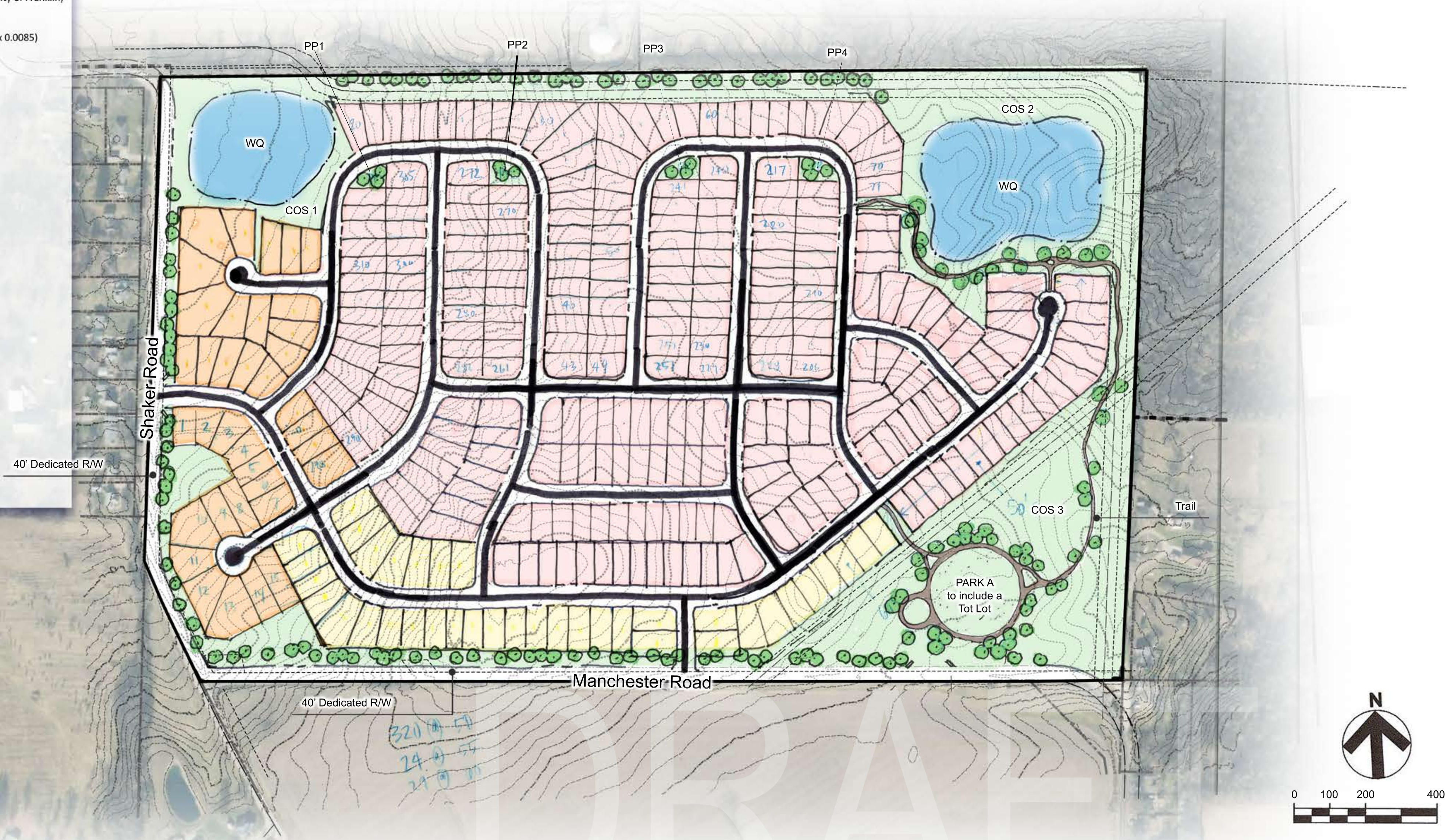


EXHIBIT C



This exhibit is conceptual in nature and may change at owners discretion in order to meet jurisdictional codes, final site engineering requirements and budget based on pricing for the final plan.