

# RECORD OF PROCEEDINGS

**Minutes of Franklin Township  
Franklin County, Ohio**

**Regular Meeting**

**Held via Teleconference  
2020**

**September 10 20,**

**COVID-19 Emergency Declaration  
Ohio's Open Meeting Act**

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**Call Meeting to Order:**

Chairman Alex called the Regular Meeting of the Franklin Township Board of Trustees to order at 6:30 p.m. on September 10, 2020, via teleconference (ZOOM).

**Opening Prayer:** Led by Trustee Fleshman

**The Pledge of Allegiance:** Led by Trustee Alex

**Roll Call:** Alex, yes; Fleshman, yes; Horn, excused.

**Approval of Prior Meeting Minutes:**

*Alex made a motion to approve the following minutes from the Special Meeting on August 6, 2020, the Regular Meeting on August 6, 2020, the Special Meeting on August 13, 2020, the Special Meeting on August 20, 2020 and the Regular Meeting on August 20, 2020.*

**Old Business**

**Guest Speakers:**

*Joseph Durham and Mari Long*

*SWACO – Consortium II – Township-wide Single Trash Hauler Bid Process*

Durham who is the contracted legal counsel with SWACO, provided an explanation of the bid process for Consortium II. Local Waste is the current service provider for Consortium II. Franklin Township went out to bid in Consortium II, with the Village of Brice, as well as Clinton, Pleasant, Sharon and Truro Townships, said Durham.

Long provided a slide to view for those who logged into the ZOOM conference via a computer. The slide exhibited the following information:

HAULER		MONTHLY SERVICE & BILLING	CONTAINER RENTAL FEE	CFC REMOVAL	SENIOR CITIZEN DISCOUNT
<b>Local Waste</b>	\$19.39 monthly	\$19.99	\$3.00	\$100.00	\$1.50 or 10% whichever is greater
01/01/2021 – 12/31/2025	\$1.80 quarterly				
<b>Rumpke</b>	\$20.47 monthly	\$21.32	\$3.25	\$65.00	\$1.50 or 10% whichever is greater
01/01/2021 – 12/31/2025	\$2.55 quarterly				

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Fleshman asked Chairman Alex if he knew how much the residents who are currently customers of Local Waste are paying per quarter. Alex said he did not have his Local Waste invoice in front of him and could not provide a current cost. Fleshman asked the Assistant Fiscal Officer, Robyn Watkins if she knew approximately what the cost is quarterly for Local Waste services. Watkins said, that she is currently a Local Waste customer within Franklin Township, and pays approximately \$45.00 a quarter for trash removal.

Fleshman said by looking at the slide at the per month cost, this is quite a significant savings the residents are currently receiving. Durham said there were two (2) bids that went out on the street for recycling services and Rumpke was the only bidder for that service at a price of \$35.00 per ton. Rumpke also provided an alternative revenue sharing formula starting at \$35.00, down to \$0.00. The collector is responsible for paying the recycling fee. There is an opportunity in the recycling market to significantly change with revenue sharing up to \$20.00. This is the only bid and we have a process that we like to lock-in the bid for the next five (5) years so the contractor has a place to take their recyclables. Local Waste currently bid \$19.39 per month for three (3) services. This is to pick up unlimited waste (at the curb), to pick up recyclables in the 18-gallon bin, or residents can rent a larger container (for a fee) and to pick up yard waste for approximately \$60.00 per quarter. There is also a senior discount available for those eligible individuals, said Durham.

Fleshman said that at \$60.00 per quarter we have residents who currently pay approximately \$45.00 a quarter for the same service, this is a significant increase in pricing for those residents. Durham said that Consortium II has been in ten (10) years of a price lock-in at \$14.00 per month. These rates presented are market rates. You can see what Rumpke bid at \$21.32 per month. We've had several consortium bids recently and we were expecting to see pricing in the \$19.00 range. For those other communities who participated in Consortium II for the last ten (10) years we told them to expect an increase based upon the market. This is a utility and I could not expect a water bill or an electric bill not going up for ten (10) years, said Durham. This is an opportunity to lock-in a price for five (5) years, even though I understand it is an increase over your current services, said Durham.

Alex asked if it is fair to say that if the Township does not lock this in now and we leave the residents on their own their individual bills will be going up significantly more than the amount outlined here in the consortium. Durham said he would anticipate that to happen. Alex said so by locking this rate in for the next five (5) years we would essentially be saving residents money even though it is an increase now.

Durham asked if Local Waste is currently picking up yard waste. Fleshman said that Local Waste has picked up yard waste in the past.

Fleshman said we have a lot of seniors who are on this call and if Mr. Horn was here he would advocate for those individuals. I can think of several people on

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Little Avenue who have seen small differences which are impactful. It may be a small difference to you but it may be the different between cutting their pills in half or paying their trash bill. This alerts me as it will be an additional \$60.00 per year, said Fleshman.

Alex said he hears everything that Fleshman is saying but that he is concerned if the Township doesn't do something that residents won't be paying an increase of \$60.00 a year it could look more like \$100.00 per year with ongoing increases the following years.

Fleshman asked Alex what the plan is tonight related to the Board. Alex said this is just an informational meeting and Durham is here to walk the Board through next steps. Dunham said a vote should take place to accept the collection contract for the lowest bidder as well as Rumpke and their recycling process contract. Also, with the senior discount there will be 10% or \$1.50 whichever is greater from the \$19.39 monthly cost, said Durham.

Fleshman said that one of the services that our residents use is for those who are unable to transport their trash cans to the end of their drive, Local Waste will come up their drive, retrieve, empty, and return their trash can to the side of their house. Is this service offered within the Consortium II contract? Durham said there is a law in Ohio which requires trash haulers to offer this service. This service is priced out in the contract bid package at \$25.00 per month versus the \$19.39 standard fee.

Fleshman asked Durham what the criteria is for a person to qualify under the Ohio statute? Does the person have to pay the fee if they qualify under the law, Fleshman asked? Fleshman said he wants to make sure he asks all of the questions necessary since the residents are not able to ask their own questions. Durham said the resident would not have to pay the fee if they qualify as disabled under Ohio Revised Code Section 4503.44, which states any residents which a physical disability which limits or impairs their ability to walk. Otherwise, the contractor will provide this service for a fee, said Durham.

Fleshman said would this be handled like those who have a handicap placard in their car, they would need something from their physician? How do they notify the hauler of this? Durham said he has been doing these consortiums for 15 or more years and has never heard of an issue in this area. The waste haulers are typically pretty lenient when someone makes that request. This is something we can look at going forward, said Durham. Fleshman said, he would like to see this process be as seamless as possible for the residents. Durham said it would be handled the same as the handicap placard.

Durham asked Mari Long from SWACO if she has any comments. As Durham mentioned that Consortium II has not had a price increase for ten (10) years. There are three (3) services provided with three (3) trucks coming through for this one (1) rate. In today's market this rate is right on target where it should be, said Long.

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Durham also mentioned that this also includes bulk pickup. Fleshman said he can hear people say they are not interested and will not participate in this service. Franklin Township has one of the highest in non-compliance. How do we handle that? Durham said we have worked for the last several years with the Franklin County Board of Health to get all jurisdictions to participate in a single hauler trash contract. When you award a contract to an exclusive contract this would require all residential properties to participate in this service. Fleshman asked what is different now versus what the Township has already been through in joining the consortium? Durham said one of the jurisdictions within Consortium II currently pays their hauler and then puts the cost as a lien on each property to be paid under the nuisance statute. There is a board of health regulation requiring property owners to have trash service. Durham said, it is our hope the Township would utilize this regulation through the board of health or in law enforcement who could then site the property owner with a misdemeanor charge.

Fleshman said many residents are upset that the Township would consider using taxpayer dollars to pay someone's trash bill even though it would be handled similar to a House Bill 50 by putting on their taxes. Also, there are residents who are going to say they do not need the service and do not wish to participate in the service because they dispose of their own trash. What can the Township do legally? People would have to show their proof of taking their trash to the landfill, said Durham. This is a utility being provided by the government and you do not have the ability to opt-out. Fleshman said he knows people are thinking the Township is lawing this on them and they do not approve. The government may be providing the service but the resident is paying the service, said Fleshman. If you compare this to a utility folks do have the option to have the service or not if they do not use it.

Fleshman said with the Township having such a high number of non-compliance properties can the hauler step in? Durham said this is one of the reasons why other entities use the nuisance abatement regulation. Fleshman said there is a lot of rental properties in the Township and the renters are unable to get trash service due to the previous tenant not paying the bill. Can the Township pass legislation to require the property owner to pay the trash bill on all rental properties? Durham said since you are not a Home Rule Township you could not pass such legislation. Other Township do their own billing, others pay the bills out of their general fund, or the Township can require the contractor to bill the property owner directly on all properties. Fleshman said he would like to see this included. Fleshman also thanked the Chairman for allowing the time for him to ask his questions.

Alex asked Durham what the time line is for the Township and next steps to moving forward. Durham said the window is open for 180 days, but obviously with seven (7) communities we are trying to get these decisions as soon as possible as many of the communities in the consortium have already made

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their decision. I would encourage you to get these to a vote in the month of September, that would be ideal, said Durham.

Alex said the Township should schedule a public hearing on this topic as well as include this on their next regular meeting agenda.

Fleshman asked Durham if the new contract outlines providing the publication and distribution of the Township newsletter. Durham said it is required that the hauler provide quarterly updates on items such as proper recycling. Durham said he is not sure about a specific newsletter going out. The Township gets to approve what communication the hauler is sending out, so I wouldn't be surprised if they did not have a problem including a newsletter, said Durham. The newsletter is a way to communicate updates to our residents, said Fleshman.

Alex thanks Joe Durham and Mari Long for their presentation.

Alex introduced the next guest speaker, Laura Esterline:

Guest Speaker:

*Laura Esterline, Heart of it All Realty* presented two (2) offers to the Board for the property located at 714 N. Hague Avenue (parcel# 140-004152-00).

- A. Offer A: \$22,000.00
- B. Offer B: \$25,000.00

Fleshman asked Esterline if the buyer's intent was to build a house. Esterline said yes, that the buyer was planning to build a home on the property.

Alex moved for the adoption of the following resolution:

**RESOLUTION 2020-177**

BE IT RESOLVED that the Franklin Township, Franklin County, Ohio Board of Trustees approved to accept the offer of \$25,000.00 for the property located at 714 N. Hague Avenue (parcel 140-004152-00).

Fleshman seconded the Resolution, the roll was called for its adoption and the vote was as follows:

√ YES/□ NO: **Alex**    √ YES/□ NO: **Fleshman** (excused): **Horn**

Esterline presented the Board with two (2) offers on the property located at 1207 Hart Road (parcel# 140-004177-00):

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A. Offer A: \$4,000.00

B. Offer B: \$6,600.00

Esterline shared that Offer B is \$100.00 over the asking price. Fleshman asked Esterline if the buyer plans to build a home and Esterline confirmed that the buyer's intent is to build a house. Esterline also shared that anyone who submits an offer on a Township owned property is required to disclose their intent for the use of the property.

Fleshman moved for the adoption of the following Resolution:

## **RESOLUTION 2020-178**

BE IT RESOLVED that the Franklin Township, Franklin County, Ohio Board of Trustees approved to accept the offer of \$6,600.00 for the property located at 1207 Hart Road (parcel 140-004177-00).

Alex seconded the Resolution; the roll was called for its adoption and the vote was as follows:

✓ YES/□ NO: **Alex**      ✓ YES/□ NO: **Fleshman**      (excused): **Horn**

Esterline asked the Board for an extension on the closing date of the following properties to Friday, September 11, 2020: 1295 Marsdale, 0 Marsdale and 1661 Harrisburg Pike. The title company found some liens and it took longer than anticipated to close on these properties, said Esterline.

Trustee Alex moved for the adoption of the following Resolution:

## **RESOLUTION 2020-179**

BE IT RESOLVED that the Franklin Township, Franklin County, Ohio Board of Trustees approved to extend the offer on 1295 Marsdale (parcel # 140-001748-00), 0 Marsdale, and 1661 Harrisburg Pike (parcel 140-000609-00) until end of day on September 11, 2020.

Trustee Fleshman seconded the Resolution, the roll was called for its adoption and the vote was as follows:

✓ YES/□ NO: **Alex**      ✓ YES/□ NO: **Fleshman** (excused): **Horn**

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Esterline said she should be able to close on the properties within the next ten (10) days. The Board thanked Esterline for her work in the Township. With nothing further to discuss, Alex moved to resolutions.

Resolutions:

Fiscal Officer Rhinehart explained that she was able to communicate with each Board member to share the importance of having legal council for specific workers compensation matters.

The Fiscal Officer recommended the following resolution:

**RESOLUTION 2020-167**

BE IT RESOLVED by the Board of Trustees of Franklin Township, Franklin County, Ohio, that the Board approves an initial Engagement Letter for, Brant Rhoad of Sybert, Rhoad, Lackey & Swisher, LLC, for legal counsel services to include:

1. Current workers compensation matters;
2. Potential future workers compensation matters; and
3. Any other matters as decided by the parties.
4. The general hourly rate (prior \$225.00) is \$205.00 for Rhoad, Sybert and Swisher, \$195 for the Associate, and \$76 for a paralegal/law clerk.

The work, authorized on a case-by-case basis, is to be completed and subject to review and acceptance by the Township Fiscal Officer.

Fleshman asked Rhinehart to explain what the last statement meant. Rhinehart said the subject to review and acceptance by the Township Fiscal Officer means the fiscal officer will have various criteria to look at and will work with the attorney to review each case and will also work with the workers comp CPA (the third-party administrator). It's going to be very seldom that we are going to need an attorney but we have a case currently where we have an appeal which could potentially cost the township \$87,500.00, said Rhinehart. Fleshman asked if this will still be handled on a case-by-case situation. Rhinehart said yes, it will always be handled on a case-by-case basis. Fleshman asked if each case would be presented to the Board before moving forward? Rhinehart said it would be rare to have an emergency case come up and that she would prefer the trustees decide.

Alex moved and Fleshman seconded the Resolution, the roll was called for its adoption and the vote was as follows:

√ YES/□ NO: **Alex**    √ YES/□ NO: **Fleshman** (excused): **Horn**

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Rhinehart explained that the Township received the 2021 Tax Budget (Amended Certificate). The County Budget Commission is projecting the Township to receive an estimated \$9,213,991.43 in tax revenue. This is a projection and will change, said Rhinehart. In comparison to this year our revised revenue is over \$13 million just because we received grants. Some of these revenues are pass-through revenues which means we never see any of that money, but it does have to be recorded as revenue. Rhinehart also offered to go over these numbers with anyone who would like to discuss them because the data is misleading, said Rhinehart.

Alex moved for the adoption of the following Resolution:

## **RESOLUTION 2020-173**

BE IT RESOLVED by the Board of Trustees of Franklin Township, Franklin County, Ohio, that the Board approves accepting the amounts and rates as determined by the Budget Commission (2021 Tax Budget Original Certificate of Estimated Resources) and authorizing the necessary tax levies and certifying them to the County Auditor.

Alex moved. Fleshman asked if the department heads had reviewed and were ok with the numbers. Administrator Potts explained that this is revenue coming in and upon his review has no issues with the data received. Rhinehart explained that this is not monies to be encumbered this is estimated tax revenue that the Township has no control over. Fleshman asked if this is something that needs to be passed tonight, should Mr. Horn be included? Rhinehart read from the correspondence from the County Auditor explaining that this is something that the Township does not have a whole lot of say in.

With that being said Fleshman seconded the Resolution, the roll was called for its adoption and the vote was as follows:

√ YES/□ NO: **Alex**    √ YES/□ NO: **Fleshman** (excused): **Horn**

Rhinehart asked the Board for a resolution for the supplemental appropriation #7.



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Alex moved for the adoption of the following resolution:

## **RESOLUTION 2020-174**

*WHEREAS, it is necessary to provide for the current expenses and other expenditures of Franklin Township, Franklin County during the year ending December 31, 2020; and,*

**WHEREAS, the Annual Appropriations Resolutions 2020-103 for the period from January 1, 2020 thru December 31, 2020 needs amended.**

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TOWNSHIP TRUSTEES OF FRANKLIN TOWNSHIP, FRANKLIN COUNTY:**

**SECTION 1, the amounts presented below are hereby appropriated.**

<u>Fund/Program/Department</u>	<u>Current Appropriations</u>	<u>Increase (Decrease)</u>	<u>Revised Appropriations</u>
<b>Local Coronavirus Relief (2905)</b>			
Other Expenses	\$0	\$442,000	\$442,000
Capital Outlay	\$0	\$415,104	\$415,104
Total	\$0	\$857,104	\$857,104

Trustee Fleshman seconded the Resolution, the roll was called for its adoption and the vote was as follows:

✓ YES/□ NO: **Alex**    ✓ YES/□ NO: **Fleshman** (excused): **Horn**

The Fiscal Officer recommending the following resolution:

## **RESOLUTION 2020-176**

**BE IT RESOLVED** by the Board of Trustees of Franklin Township, Franklin County, Ohio, that the Board approves bills in the amount of \$67,599.76 and payroll ending on 09/01/2020 in the amount of 168,544.12 for a total of \$236,143.88. From check number 64159 to 64266 and electronic vouchers from 355-2020 through 447-2020.

Alex moved. Fleshman seconded the Resolution, the roll was called for its adoption and the vote was as follows:

✓ YES/□ NO: **Alex**    ✓ YES/□ NO: **Fleshman** (excused): **Horn**

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With nothing further in Old Business, Alex moved to New Business:

**New Business**

Police Department: Nothing to Report

Fire Department:

Chief James Welch asked the board for a resolution to purchase four (4) new tires for Engine 193.

Fleshman moved for the adoption of the following Resolution:

**RESOLUTION 2020-180**

BE IT RESOLVED by the Board of Trustees of Franklin Township, Franklin County, Ohio, that the Board approves the Fire Chief to purchase four (4) new tires for Engine 193 from State Tires at a price not to exceed \$1,420.00 from line item 2281-230-430-0000.

Alex seconded the Resolution; the roll was called for its adoption and the vote was as follows:

√ YES/□ NO: **Alex**    √ YES/□ NO: **Fleshman** (excused): **Horn**

Chief Welch asked the Board for a resolution to purchase five (5) refurbished Toughbooks for the Fire Department. This is needed due to the City of Columbus upgrading their software and the current Toughbooks will not accept the software upgrade, Welch explained.

Trustee Alex moved for the adoption of the following Resolution:

**RESOLUTION 2020-181**

BE IT RESOLVED by the Board of Trustees of Franklin Township, Franklin County, Ohio, that the Board approves the Fire Chief to purchase five (5) refurbished Toughbooks for the Fire Department from Tough Outlet at a price not to exceed \$5,430.50 from line item 2281-230-430-0000.

Trustee Fleshman seconded the Resolution, the roll was called for its adoption and the vote was as follows:

√ YES/□ NO: **Alex**    √ YES/□ NO: **Fleshman** (excused): **Horn**

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## Road Department

Jim Stevens, Road Superintendent was not available for meeting. Administrator Potts shared that the road crew has cleared three (3) large trees which have fallen throughout the Township in the last month as well as their scheduled work load. The crew has been busy, said Potts.

## Trustee Reports:

Trustee Alex talked about the CARES Act appropriations and explained that Administrator Potts worked closely with department heads, the fiscal officer and the Township attorney to ensure the Township is appropriating and spending this money appropriately as it was designed to do and intended to do to ensure compliance. Alex introduced Julie an attorney from the Township attorney's office Broshius, Johnson and Griggs to provide an overview of the law. The township is permitted to use CARES Act funds for the following:

1. Must be a necessary expenditure incurred because of the COVID crisis or responding to the crisis.
2. Expenditures which were not accounted for in the most recent budget
3. Expenditures incurred between March 1, 2020 – December 30, 2020

Also, all of the intended purchases are related to protective gear, and preventative measures to avoid an outbreak within Township staff, said Julie.

Potts explained that this act was signed by the President and distributed to the House and Senate then to each state. It was signed by Governor DeWine and Ohio's funding was disbursed through the Office of Business Management (OBM) as the depository. Each entity had to apply for these funds as a grant. The Board approved a resolution a few months ago and then forwarded this to the County Auditor's Office for the Township to receive the funds. This is handled as a grant through OBM.

Alex thanked everyone for their assistance in receiving this funding. Julie reviewed specific sections of the resolution with the Board prior to Alex reading the resolution language. Fleshman asked if the legal council should read the resolution. Alex said the Township is not required to read the resolution in its entirety so he is going to go ahead and read it for the record.

Trustee Alex moved for the adoption of the following Resolution:

### **RESOLUTION 2020-175**

BE IT RESOLVED by the Board of Trustees of Franklin Township, Franklin County, Ohio, that the Board approves to accept the use & encumbrance of Coronavirus Relief Funds (specific to the coronavirus aide relief) and Economic Security Act, with Section 2 A, B, C, being assigned to Township Administrator, Mark Potts.

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Trustee Fleshman seconded the Resolution, the roll was called for its adoption and the vote was as follows:

√YES/□ NO: **Alex** √ YES/□ NO: **Fleshman (excused): Horn**

Administrator Potts said that narrative was received by each department head explaining the need for the purchase and these narratives will be kept on file for auditing purposes. There is another round of CARES Act funding coming in the next few weeks, said Potts.

Alex shared that the Ohio Department of Transportation's (ODOT) West Broad Street improvement area has been scheduled in 2022. This area will be focused on new sidewalks and street lights to improve pedestrian safety on W. Broad Street between Wilson & Georgesville Roads. This project is two (2) years out but I am very excited to see that is it scheduled, said Alex.

Trustee Fleshman thanked Chairman Alex for his leadership during the COVID crisis. He thanked all those staff members involved in the distribution of the CARES Act funding. Fleshman specifically thanked Administrator Potts for his contribution to the Township and his work to find the grants. Fleshman said he is proud to work with such a professional team of people.

## Fiscal Department

Fiscal Officer Rhinehart explained that the fiscal department is working towards establishing an electronic paystub process.

Rhinehart shared that she would like to run all of the CARES Act funding intended purchases by the Office of Budget Management. For transparency purposes the Township should let the public know of some of the items that are being purchased through the CARES Act funding and the reasoning behind it which should all be following the legislation. This is important for the residents and the community to know, said Rhinehart.

Rhinehart explained the following intended purchases:

Under the Police Department we are purposing the purchase of four (4) new police cruisers at approximately \$184,000.00, new laptops at \$66,000.00, and payroll expenses which can be reimbursed at \$53,000.00.

Under the Fire Department we are looking at payroll reimbursement totaling \$368,000.00.

Under the Road Department we are looking at personal protective equipment totaling \$240.00, a backhoe totaling \$84,000.00 and a new dump truck totaling \$81,000.00, and payroll reimbursement totaling \$8,000.00

All of these purchases are for infection control purposes to allow only one (1) person per vehicle which are appropriate purchases.

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For the Administrative & Fiscal Office there is \$2,000.00 left for infection control items. There is approximately \$9,000.00 left to appropriate within the accounts which have been set up, said Rhinehart.

## Administrator Report:

*Administrator Potts* thanked everyone for their work on various projects. One update in the community is there is a drive-in concert series being held on the Westland Mall property. Our staff worked through the process to ensure this event was complying with items such as fire safety and law enforcement. If you Google Westland Drive-In you can find more details, said Potts.

Potts shared how impressed he is on how the fiscal matters are being handled coming through the County Auditor's Office.

Alex said he is excited about the Westland Drive-In concert series and looks at it as a great activity for the community during this COVID crisis.

## QUESTIONS/ADJOURNMENT

Alex asked Potts if there were any comments from the public. Fleshman said the Amanda from the Westside Messenger would like the information related to the CARES Act Funding emailed to her. Potts said he would get that information over to her following the meeting.

Potts checked email, social media and unmuted the telephone lines for public comments.

With no comments from the audience and no further discussion, Alex adjourned the meeting at 7:50 p.m.

Signature on file with original  
Aryeh Alex, Chairman/Trustee

Signature on file with original  
John Fleshman, Vice-Chairman/Trustee

Excused – absent  
Ralph Horn, Trustee

Signature on file with original  
Mary Rhinehart, Fiscal Officer