

# RECORD OF PROCEEDINGS

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

**Special Meeting**

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

**January 22, 2021**

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**Call Meeting to Order:**

Chairman Horn called a Special Meeting of the Franklin Township Board of Trustees to order at 1:00 p.m. on January 22, 2021, via teleconference (ZOOM).

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

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

**Approval of Prior Meeting Minutes:** Chairman Horn moved to suspend any prior meeting minutes.

**New Business:**

Chairman Horn explained the purpose of the Special Meeting is to form groups for discussion and to answer questions regarding negotiation of Franklin Township's upcoming Fire Department labor contract.

Representing the Fire Department and in attendance was Ron DeLozier. Horn asked DeLozier to gather his group for further discussions.

Horn confirmed that he would be the representative for Franklin Township trustees and that he has asked Fiscal Officer Mary Rhinehart to be in attendance with him. He mentioned that he would like to ask Fire Department Chief James Welch for his input on upcoming negotiations.

Horn asked fellow trustees if they had any objections.

Alex asked for confirmation that the upcoming negotiations were strictly internal and not involving anyone externally. Horn confirmed that was correct.

Horn stated that he would like to have Mark Potts arrange for a meeting in the near future for negotiations. Potts asked Horn for confirmation on who would be attending. Horn listed himself as representing the Franklin Township trustees, Fiscal Officer Mary Rhinehart, Fire Department Chief James Welch, and Mr. Ron DeLozier.

Horn also mentioned that anyone Mr. DeLozier chose for his group was welcome to attend. Mr. DeLozier stated that he would be adding one or two individuals to his group.

Horn explained that the Board has asked Attorney Catherine Burgett to assist with the process of negotiation.

With no further questions or discussions, Horn invited Attorney Catherine Burgett to speak.

Burgett introduced herself as an attorney with Frost Brown Todd in Columbus, Ohio. She stated that she specializes in assisting companies with drafting and

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litigating labor contracts. She stated that she is willing to assist Franklin Township in negotiation of their Fire Department labor contract. She stated she was willing to answer any questions.

Rhinehart asked Catherine if she would be able to gather data pertaining to the Fire Department labor contract. Catherine responded that she would be able to put together a wage and benefit study within a week or so.

Rhinehart also inquired how many townships and municipalities this firm represents. Catherine replied that her firm covers multiple clients in Ohio and Indiana. She stated that she does have an office in Columbus, Ohio and represents various clients in this area.

Horn thanked Catherine for her time talking to the Board. He stated that another meeting would be held to consider further steps and that the Board would get in touch in eight to ten days.

Alex stated that he would like to go on record with his opposition of hiring outside counsel.

“Not only do I think we cannot afford this, a \$30,000 to \$40,000 expenditure, I think that we all know our firefighters are the lowest paid firefighters in Franklin County and for us to bring in outside counsel to continue the process of us giving them the short end of the stick when they are actually out there as our first responders I think is ludicrous. We know we don't have that kind of money, they have been taking pay cuts for a decade. We are really lucky to be able to give them a raise in the last contract. I think it is much better for us to sit down in good faith with the union and talk through our finances. I know we have good firefighters. They are willing to make concessions when needed. I don't believe that now is the time to ask them for concessions. It is much better for us to come to the table with them, sit down as trustees and management, and talk with them about what we have available and where we can come to with an agreement. I don't think we need to spend \$30,000 or \$40,000 to have someone come in here and try to penny-pinch these firefighters that are already getting really screwed by working for us and not having the resources that other fire departments and firefighters have. So I am really opposed to us bringing in anyone else on this. I just want that on record.”

Fleshman stated that he thinks starting off right away with hiring somebody is not the best practice. He believes what we need to do is come together with the local union as we have done in the township, get a consensus on what they are asking and first try to work with them. He stated we have a month to do this. His question to Ron DeLozier was, if we are making progress and we are working together and we go over the thirty days, that is not the “end of the world”?

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DeLozier commented “it is not the end of the world, as long as we are working toward an agreement”. He stated the only time it becomes an issue is when we are stuck at an impasse and we start to get past the thirty days, then it is time to move to the next step. He stated he has been part of negotiating agreements for the fire union for the past twelve years and it has never taken more than a couple meetings. He stated they have taken an absolute loss. He stated they have had pay freezes, they have taken home less money out of contract negotiations. He stated they have gone from paying none of their pension to all of their pension and those negotiations took two to three meetings at most. He stated the last contract took two meetings for everyone to get together, that it is a really quick process, nothing crazy. He stated they have never had any kind of outside help because everything is cleared by the township’s counsel and the union’s counsel to make sure everything is done correctly and legally. He stated that in regard to arguing and negotiating, it has never gone outside of sitting across the table from each other in good faith.

Fleshman stated that he would rather sit down with the Fire Department and local union to see what they want. He stated he recalled in the past the union has just said they know what the budget constraints are and that they just wanted to keep their guys working.

Fleshman asked DeLozier to confirm how long his department has gone without a pay raise. DeLozier confirmed it was three contracts.

Fleshman concluded that it had been nine years since there had been a pay raise and the last contract included a raise and making some concessions. He voiced doubt that the trustees would raise an issue and that he did not understand Alex’s fear that “things would be taken away”. Fleshman stated that he did hear the words “bring in and compare to see where we are”. He does not know if we bring someone in, if we are going to automatically take away from what the firefighters already have. He stated he is keeping a neutral attitude about it if we were to go that route. He stated he is confident that we can sit down, hear the union out, and see what we can actually work with because in the past we have been able to do this in two meetings.

Chairman Horn asked if there were any questions or comments.

Without further discussion, Chairman Horn moved to the next item on the agenda concerning the Police Department. He voiced the Board’s need to discuss the Police Department levy which is soon to expire.

Horn invited Police Chief Byron Smith to speak.

Smith began by mentioning two resolutions that he and Mark Potts have solicited from attorneys.

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Smith gave an update on his department. He stated that they are going to be without three full-time officers and that he and Lieutenant Ratliff have been filling in the gaps.

Smith stated that in 2017 with a timed levy, he brought an issue to the Board that the levy would not bring in enough funds and it was the intent that his department would do the best they could for the time being. Smith stated that according to the Fiscal Department, the Police Department will barely have enough funds through the end of the year and probably through the next year which would affect the various services his department provides.

Smith proposed to the Board for their approval, replacing the timed levy with a permanent levy with a slight increase in order to continue providing services. He stated that he felt the May election would be the best.

Alex questioned Smith about the possibility of a renewal of the levy and how that would affect the Police Department.

Smith replied that it would result in a reduction of officers, that the department would only be able to handle priority calls and that many non-priority calls would be unheard.

Alex questioned Smith that if a renewal of the levy is decided upon, how would it affect the Police Department.

Smith answered that his department would be down to seven officers with one officer per shift. Smith suggested letting the township residents vote and decide and his department would do their best with that decision.

Fleshman voiced his opinion that by putting the levy on the ballot and letting township residents vote would show the residents that we are good stewards.

Alex mentioned that the attorneys were asked to provide a resolution to not only put a new levy on the ballot, if it passes, to take away the timed levy in order that residents would not be double-taxed.

Alex voiced his concern that we continually ask township residents to vote on levies for the Fire Department and Police Department that may actually decrease the services we are able to provide them. He stated that he felt it best to further discuss these issues in a meeting, possibly on a Friday, to include the public so they can voice their opinions.

Mark Potts addressed the Board with further information.

Potts stated that the permanent levy 7.37 mills and in discussion with the office of Auditor Stinziano, it would equal out to \$21.50 per month. The old levy that is expiring costs \$8.41 per month. He stated the difference would be an increase of \$13.09 per month.

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Potts stated that in order to get the levy on the ballot, all signed paperwork must be turned in to the Board of Elections by February 3, 2021.

Rhinehart inquired of Chief Smith if the Franklin County Sheriff's Department would provide back-up for his department on runs.

Smith responded that it depended on their situation, whether they had the deputies available.

Lieutenant Ratliff then spoke. He stated that in the past when the township's police department was understaffed, the County would become upset and refuse to assist in patrolling our area. He stated that when relying on other townships to aid, they would not respond to a call that required paperwork.

Rhinehart inquired how many full-time staff in their department. Chief Smith answered 13 full-time and spaces for 6 part-time.

Horn voiced his concern about the rise in crime and drug use and the township's ability to provide safety to its residents.

Rhinehart asked if there were any alternatives to their situation. She inquired about having an agreement with the City of Columbus and if they could assist more.

Chief Smith responded by saying that we have a Mutual Aid agreement with the City of Columbus but they will only respond to high-priority situations.

Lieutenant Ratliff also mentioned that the City of Columbus is not connected with Franklin Township's reporting system, that Franklin County is connected to our system.

Rhinehart raised concern that the township by not passing the levy is putting the Police Department as well as the residents in jeopardy. She expressed her opinion that we have until February 3, 2021 to put the levy on the ballot and that we should at least try to do so.

Horn made a motion to adopt the following Resolution:

**Resolution 2021-013  
RESOLUTION TO PROCEED WITH THE  
SUBMISSION OF THE QUESTION OF LEVYING AN ADDITIONAL  
TAX IN EXCESS OF THE TEN-MILL LIMITATION FOR THE  
PURPOSE OF POLICE SERVICES PURSUANT TO OHIO REVISED  
CODE SECTION 5705.19(J)**

**WHEREAS**, on January 14, 2021, the Board of Trustees of Franklin Township, Franklin County, Ohio (the "Board") passed a resolution declaring the necessity to levy a tax in excess of the ten-mill limitation pursuant to R.C. 5705.19(J), for the purpose of providing and maintaining motor vehicles,

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communications, other equipment, buildings, and sites for such buildings used directly in the operation of a police department, for the payment of salaries of permanent or part-time police, communications, or administrative personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.33 of the Revised Code, for the payment of the costs incurred by townships as a result of contracts made with other political subdivisions in order to obtain police protection, for the provision of ambulance or emergency medical services operated by a police department, or for the payment of other related costs, pursuant to Ohio Revised Code Section 5705.19(J) for Franklin Township (the "Township"); and

**WHEREAS**, on January 20, 2021, the Franklin County Auditor certified to the Board that the millage of an additional levy required to produce \$1,450,000.00 of revenue during the first year of collection is seven and thirty-seven hundredths (7.37) mills for each one dollar of tax valuation based on the current assessed valuation of the Township of \$196,900,740.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Township Trustees of Franklin Township, Franklin County, Ohio (the "Board"), two-thirds of all the members elected hereto concurring, that:

**Section 1.** The Board shall proceed with the submission of the question of an additional levy of seven and thirty-seven hundredths (7.37) mills to the electors of Franklin Township (**unincorporated areas only**) for the purpose of providing and maintaining motor vehicles, communications, other equipment, buildings, and sites for such buildings used directly in the operation of a police department, for the payment of salaries of permanent or part-time police, communications, or administrative personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.33 of the Revised Code, for the payment of the costs incurred by townships as a result of contracts made with other political subdivisions in order to obtain police protection, for the provision of ambulance or emergency medical services operated by a police department, or for the payment of other related costs, as set forth in Section 5705.19(J) of the Ohio Revised Code. The additional levy shall be at a rate not exceeding seven and thirty-seven hundredths (7.37) mills for each one dollar of valuation, which amounts to 73.7 cents (\$0.737) for each one hundred dollars (\$100.00) of valuation, for a continuing period of time.

**Section 2.** Pursuant to Ohio Revised Code Section 5705.03(B)(1):The purpose of this levy is for providing and maintaining motor vehicles, communications, other equipment, buildings, and sites for such buildings used directly in the operation of a police department, for the payment of salaries of permanent or part-time police, communications, or administrative personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.33 of the Revised Code, for the payment of the costs incurred by townships as a result of contracts made with other political subdivisions in order to obtain police protection, for the provision of ambulance or emergency medical services operated by a police department, or for the payment of other related costs, pursuant to Ohio Revised Code Section 5705.19(J). The type of levy is an additional levy. The sections of the Ohio

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Revised Code authorizing submission of the question of the levy are Ohio Revised Code Sections 5705.03, 5705.19(J), 5705.191, and 5705.25. The term of the tax is for a continuing period of time. The territory where the tax is to be levied is upon the unincorporated territory of Franklin Township. The date of the election at which the question of the tax shall appear on the ballot is the primary election to be held on May 4, 2021 (the "Election"). The territory where the ballot measure is to be submitted is to the electors of the unincorporated territory of Franklin Township. The additional levy shall be placed upon the tax list and duplicate of 2021 for collection in 2022, if a majority of the electors voting thereon vote in favor thereof. Franklin Township only has territory in Franklin County.

**Section 3.** The Fiscal Officer is hereby directed to certify, not less than 90 days prior to the election, to the Franklin County Auditor and to the Board of Elections, Franklin County, Ohio, a copy of the resolution declaring it necessary to levy a tax in excess of the ten-mill limitation and a copy of this Resolution together with the certification of the Franklin County Auditor; and to notify the Board of Elections to cause notice of election on the question of levying the tax to be given as required by law.

**Section 4.** It is found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

**Section 5.** This Resolution shall take effect and be in force from and after the earliest time provided by law.

*Fleshman seconded the motion. The roll was called upon the question of its adoption and the vote was as follows.*

**Alex:**  YES/ NO    **Fleshman:**  YES/ NO    **Horn:**  YES/ NO

*Resolution passed.*

*Horn made a motion to adopt the following Resolution:*

## **RESOLUTION 2021-014**

### **A RESOLUTION OF INTENT TO TERMINATE A CERTAIN TOWNSHIP POLICE DISTRICT LEVY**

#### **PREAMBLE**

**WHEREAS**, the voters of Franklin Township have approved three Police District levies enacted under R.C. §5705.19(J): one permanent levy for 2.5 mills, passed in 1988; one permanent levy for 3.26 mills, passed in 2006; and one 5-year levy for 4.1 mills, passed in 2017 (the "Levies"); and

**WHEREAS**, the purpose of the Levies is to provide police services in the Police District pursuant to Ohio Revised Code Section 5705.19(J); and

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**WHEREAS**, the Board of Trustees anticipates requesting that voters approve an additional 7.37-mill levy for a continuing period of time in the unincorporated areas of the Township, to be placed on the tax list for the current year (2021) and collected in 2022; and

**WHEREAS**, in the May 4, 2021 primary election, the voters of the Township will be asked to approve the 7.37-mill levy, which will, in effect, replace the current 5-year levy for 4.1 mills; and

**WHEREAS**, if the voters approve the 7.37-mill levy in the May 4, 2021 primary election, it will no longer be necessary for the Township to collect the proceeds of the 4.1-mill Police District levy previously approved in 2017 by the voters of the Franklin Township Police District, and it will be in the best interest of the Township and its residents to terminate that levy.

Ralph Horn offered a motion to adopt the following Resolution:

### **RESOLUTION**

**NOW THEREFORE**, be it resolved by the Board of Trustees of Franklin Township, Franklin County, Ohio (the "Board"), that the following Resolution be, and it hereby is, adopted:

**RESOLVED**, the Board hereby determines that, if the Township voters approve the 7.37-mill levy for a continuing period of time in the May 4, 2021 primary election, it is the Board's intent to terminate the current 5-year, 4.1-mill Police District levy approved by the voters in 2017, and this levy will be removed from the tax list and duplicate commencing in tax year 2021 (that is, this levy shall not be collected in 2022, the final year of the levy).

**BE IT FURTHER RESOLVED**, it is hereby declared that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and that all deliberations of the Board and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

This Resolution shall take effect and be in force from and after the earliest time provided by law.

*Fleshman seconded the motion. The roll was called upon the question of its adoption and the vote was as follows.*

**Alex:**  YES/ NO    **Fleshman:**  YES/ NO    **Horn:**  YES/ NO

*Resolution passed.*

With no further discussion, Horn asked Potts if there were any questions from the public. Potts answered there were none.



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**Adjournment:**

With no further discussion, Horn adjourned the meeting.

*Signature on file with original* \_\_\_\_\_

Aryeh Alex, Trustee

*Signature on file with original* \_\_\_\_\_

John Fleshman, Vice-Chairman/Trustee

*Signature on file with original* \_\_\_\_\_

Ralph Horn, Chairman/Trustee

*Signature on file with original* \_\_\_\_\_

Assistant Fiscal Officer/Fiscal Officer