

CODE ENFORCEMENT APPEAL HEARING  
Council Chambers, City Hall  
September 11, 2023

Members Present: Douglas Baker, Mayor  
Donna Fletcher, Deputy Mayor  
James Johnson  
Christian Marshall  
Samuel Lyons  
Ryan Rudegeair  
Todd Zahner

Members Excused: None

In Attendance: Tracy Jamieson, City Manager  
Brian Spaid, Esq., City Solicitor  
James Wetzel, Deputy Manager  
T.J. Parks, Recording Secretary  
Amanda Power, Community Development  
Cindi Power, City of Franklin  
Charles Gibbons, Code Enforcement Officer  
Alex Spaid, Dale, Woodard, Gent, McFate  
Thomas and Patricia Miller, 1347 Otter Street  
Roxanne Spaid, Shade Tree Commission  
Helen Fielding, The Derrick

Mayor Baker called the hearing to order at 6:30 P.M. and introduced Mr. Spaid as City Solicitor who swore in the witnesses.

Mr. Gibbons first presented the enforcement notice, dated August 4, 2023 as Exhibit A, which describes two (2) separate violations under the Property Maintenance Code and City of Franklin Zoning Code.

The first violation was regarding a tree that was planted in the City right-of-way on the 14<sup>th</sup> Street side of the property which caused clear sight line issues for vehicles turning south from Otter Street. Mr. Gibbons stated that Mrs. Bell-Miller removed the tree; however, Mrs. Spaid believed the tree to have been a Rose of Sharon, which has invasive qualities and worries that the tree will come back. Mrs. Bell-Miller claims the tree was a tulip tree and is not likely to regrow. She added that she agreed the tree caused a line of sight issue and expressed no reluctance to remove it.

Secondly, branches on a shade tree that was planted at the southeast corner of the intersection at 14<sup>th</sup> and Otter Streets were obstructing the visibility of the stop sign at that

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intersection. Mr. Gibbons stated that a shade tree must be twenty (20) feet from an intersection and confirmed that the tree in question is exactly twenty (20) feet from the intersection, but the ordinance does not state how far away from a stop sign it should be. Upon receipt of the code violation notice, Mrs. Bell-Miller trimmed the branches to an acceptable length so they are no longer blocking the stop sign and has agreed to keep the branches trimmed, but Mr. Gibbons is concerned that a new property owner may not comply with those terms. Mr. Rudegeair confirmed that the branches, as they are currently trimmed, satisfied the code violation. Mr. Spaid advised that this tree could still be subject to removal under the Shade Tree Ordinance, as its planting was not authorized by the Shade Tree Commission, nor was the species of tree approved.

There being no further questions or comments, Mr. Rudegeair motioned and Mr. Lyons seconded to adjourn the hearing at 6:44 P.M. The motion passed unanimously.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T.J. Parks', with a long horizontal flourish extending to the right.

T.J. Parks, Recording Secretary