

REGULAR COUNCIL MEETING  
Council Chambers, City Hall  
November 13, 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  
Harmony Motter, City of Franklin  
Charles Gibbons, Code Enforcement Officer  
James Shreffler, City of Franklin  
David Comiske, 1318 Liberty Street  
Helen Fielding, The Derick  
Matt Beith, Planning and Zoning Commission  
Stephanie Felmlee, Amy's Closet & Sassy's Gifts  
Linda Foster, Chestnut Street  
Belinda Brovini, Chestnut Street  
Deb Eckelberger, FICDA/Franklin Rotary  
Bill Ellis, 813 Liberty Street  
Mark Gamello, 1254 Liberty Street/Franklin Rotary  
Timothy Daniels, 1129 Chestnut Street  
Bev Hart, 1333 Elk Street  
Ally-Karen Miller, Franklin YMCA/Miller-Sibley Pool  
Chuck Brehm, Shade Tree Commission  
Bob Nestor, 500 block of Elk Street  
Dan Paulo, Franklin Rotary

Mayor Baker called the meeting to order at 7:00 P.M. and introduced James Shreffler as the City's new Events and Market Coordinator.

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### **ADOPTION OF AGENDA – Resolution No. 160**

Mr. Spaid requested to add item 14(A), “First Reading – Bill No. 12 – Amendments to Garbage Ordinance,” to the agenda Mr. Rudegear moved to adopt the agenda as amended, seconded by Mrs. Fletcher. The motion passed unanimously.

### **APPROVAL OF MINUTES – Resolution No. 161**

Mr. Johnson motioned to approve the minutes of the Conditional Use Hearing, the Liquor License Transfer Hearing, the Final FY-2023 CDBG Public Hearing and the regular City Council meeting, all of October 2, 2023, and the Special Council Meeting of October 23, 2023, as presented. Mr. Lyons seconded the motion which passed unanimously.

### **PAY THE BILLS – Resolution No. 162**

Mr. Lyons moved to pay the bills as presented. Mr. Rudegear seconded the motion which passed unanimously.

### **CITIZENS’ INQUIRIES**

- Chuck Brehm, member of the Shade Tree Commission, suggested a budget increase for FY-2024 to help with the inflated cost of maintaining trees, i.e. watering, pruning, etc.
- Linda Foster, Chestnut Street resident, reiterated her concerns about speeding in her neighborhood. She stated that speeding was reduced when the radar speed sign was placed on Chestnut Street, but has become an issue again since its removal. Mrs. Jamieson said that the data collected from the radar speed sign will be presented during the Manager’s Report.
- Timothy Daniels, resident at 1129 Chestnut Street, expressed concerns about the property located at 1135 Chestnut Street, that has been vacant and not maintained for several years. He claimed that the property has become rodent infested, which is allegedly affecting the surrounding houses, including his. Mr. Daniels would like the City to take ownership of the property and demolish it. Mrs. Jamieson advised that the property is tied up in an estate and could be a while before it is resolved, but noted that the City recently had it mowed and trimmed.
- Bob Nestor, resident of the 500 block of Elk Street, expressed concerns about speeding in his neighborhood and asked Council to consider adding more police presence. He also expressed concerns about the number of Airbnb’s and short term rentals popping up in the neighborhood.

### **CERTIFICATES OF APPROPRIATENESS – Resolution No. 163**

The following requests came before HARB at its October 24, 2023 meeting:

1. 813 Liberty Street – New Garage
2. 302 13<sup>th</sup> Street – Sign
3. 1101 Buffalo Street - Paint

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Mr. Rudegear motioned to approve all requests as presented. Mr. Lyons seconded the motion. The motion passed unanimously.

**WORLD WAR II/KOREAN WAR MEMORIAL PROJECT AWARDS – Resolution No. 164**

Mrs. Jamieson reminded Council of the bid results that were announced at the October 2<sup>nd</sup> meeting, but awards were tabled because funding for the project was not secured. Now that the funding has been secured, thanks to the EV and JL Peters Trust and Joyce Hughes, Mrs. Jamieson recommended awarding Contract #23-01 – Site Preparation and Concrete to Bronder Technical Services in the amount of \$38,900, and Contract #23-02 – Granite Tablets Installation to Franklin Granite Works in the amount of \$168,821. Both were the low bidders for each of the proposed contracts and have performed satisfactorily on other projects.

Mr. Johnson motioned and Mr. Rudegear seconded to award the contracts to Bronder Technical Services and Franklin Granite Works as presented. The motion passed unanimously.

**DECISION ON CONDITIONAL USE REQUEST – 508 ELK STREET – Resolution No. 165**

Mr. Spaid confirmed with Council that their wish is to approve the Conditional Use request from Steven and Elizabeth Kerlin, owners of Rust Wood Designs, LLC, to use the facility located at 508 Elk Street as a boarding house, subject to the following conditions:

- The conditional use shall comply with the City's Zoning Ordinance, Section 1304.03
- The conditional use shall be limited to one (1) unit with no more than six (6) persons at one time and no expansions of the facility is allowed unless the owners request an amendment to the Conditional Use Permit.
- On-street parking shall be restricted to one (1) vehicle in front of the property for guests and any rental advertisements shall state said restriction.
- The permit shall not be transferrable to future owners/lessees without filing for a separate Conditional Use request.

Mr. Rudegear motioned and Mr. Marshall seconded the motion to approve the request for a Conditional Use Permit, as requested for 508 Elk Street, with the conditions outlined above and further described in the copy of the written decision filed with the minutes. The motion passed unanimously.

**YMCA/MILLER-SIBLEY POOL REPORT – ALLY-KAREN MILLER**

Ally-Karen Miller provided a yearly report of pool attendance for 2023. The pool was open for seventy-three (73) days this summer with an average of seventy-one (71) people per day. The largest attendance day was July 26<sup>th</sup> with 233 people. Overall attendance for the year was 5,179 people. As with previous years, they offered free community swim lessons and exercise classes. Mayor Baker and Council thanked Ms. Miller for her dedication and hard work.

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**ROTARY CLUB DISCUSSION – DOG PARK – Resolution No. 166**

Dan Paulo, of the Franklin Rotary Club, requested Council's permission to begin fundraising to potentially construct a dog park on City property in Sugarcreek Borough behind the Professional Building (150 Prospect Avenue) and the neighboring women's shelter owned by Family Services. He advised there seems to be approximately 1.5 acres available for the dog park, which would have 6' high fencing all around, separate areas for large and small dogs, and a boxed entry to help prevent dogs from escaping. Mr. Paulo suggested Rotary would also provide doggy cleanup bags as they do in the downtown parks. Mr. Paulo also commented that, if City Council had some other future use for the property, the park could be removed. If Council grants permission, Rotary would begin seeking grants and other financial avenues to begin the planning and design process.

Mayor Baker expressed concerns of additional maintenance for the Street Department and asked Rotary to design it in such a way that would be easy to maintain (ie. no weed-whacking along the fence lines). Mr. Paulo agreed. Mrs. Jamieson asked if Rotary would be willing to front the cost of a surveyor to ensure that the dog park does not encroach upon Family Services' property. Mr. Paulo asked what that would cost and Mrs. Jamieson reported that she would check on that. Mr. Paulo also said that he had contacted Family Services and they would be fine with having a portion of the dog park on their property, with the caveat that the park would have to be vacated from the property, in the event that Family Services wishes to use the property for another purpose. Mr. Spaid advised having an easement agreement with Family Services, since the property of the dog park would remain under City ownership.

Mr. Rudegeair motioned to begin the investigation process of a property survey. Mr. Marshall seconded the motion which passed unanimously.

**FIRST READING – BILL NO. 9 – BUDGET 2024 – Resolution No. 167**

Mr. Spaid read Bill No. 9, "Budget 2024" in its entirety into the record.

Mr. Lyons motioned to pass, on First Reading, Bill No. 9. Mr. Rudegeair seconded the motion which passed unanimously.

**FIRST READING – BILL NO. 10 – REAL ESTATE TAX 2024 – Resolution No. 168**

Mr. Spaid read Bill No. 10, "Real Estate Tax 2024" in its entirety into the record.

Mr. Rudegeair motioned to pass, on First Reading, Bill No. 10. Mr. Johnson seconded the motion which passed unanimously.

**FIRST READING – BILL NO. 11 – EARNED INCOME TAX 2024 – Resolution No. 169**

Mr. Spaid read Bill No. 11, "Earned Income Tax 2024" in its entirety into the record.

Mr. Rudegeair motioned to pass, on First Reading, Bill No. 11. Mr. Lyons seconded the motion which passed unanimously.

**FIRST READING – BILL NO. 12 – AMENDMENTS TO THE GARBAGE ORDINANCE – Resolution No. 170**

Mr. Spaid read Bill No. 12, “Amendments to the Garbage Ordinance” in its entirety into the record. He explained that the need for the amendments was due to the requests Tri-County made upon the award of their upcoming contract.

Mr. Rudegeair motioned and Mr. Johnson seconded to pass, on First Reading, Bill No. 12. The motion passed unanimously.

**ESTABLISH DATE FOR BUDGET HEARING – Resolution No. 171**

Mr. Rudegeair moved and Mr. Marshall seconded the motion to hold the budget hearing on December 4, 2023 at 7:00 PM, prior to the regular City Council meeting. The motion passed unanimously.

**PARK AND PARADE ASSEMBLY REQUESTS – Resolution No. 172**

Mrs. Jamieson introduced the following public assembly requests:

- November 26, 2023 • 10<sup>th</sup> and Chestnut Streets • St. Patrick’s Church • Eucharistic Procession

Mr. Lyons motioned and Mr. Johnson seconded to approve all requests as presented. The motion passed unanimously.

**REPORTS**

**Manager –**

- Mrs. Jamieson invited Mr. Gorman to share the data collected from the speed radar sign in the 600 block of Liberty, 1100 block of Chestnut, and the 700 block of Elk. Mr. Gorman explained that the overall average speeds were below the speed limits of each area, however there was a spike in the maximum speeds when the sign was turned to spy mode. Given the data presented, Mayor Baker feels that Council should consider lowering the speed limits in residential neighborhoods.
- Mrs. Jamieson stated that she received a request by a representative of Omega, Incorporated, a timber harvesting company, to use logging roads that traverse City property in order to gain access to a parcel of land owned by Shadow Lane Properties. In addition to providing the City with a performance bond to return the property to the condition it was before they used it, Omega is also willing to use their bulldozer to enlarge the City’s dumping area on Waterworks Road, where the City takes clean fill and collected tree trimmings. Omega provided a sample temporary right-of-way agreement to utilize the City’s property.

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- **Resolution No. 173** – Mr. Lyons motioned to approve entering into a Right of Way Agreement with Omega, Incorporated, upon the condition that the City Manager and City Solicitor come to an agreement with Omega that satisfies and protects the City. Mr. Johnson seconded the motion, which passed unanimously.
- Mrs. Jamieson invited Council to attend a public meeting regarding PennDOT's Betterment Project on Thursday, November 30<sup>th</sup> at the First United Methodist Church. There will be a separate meeting for public officials starting at 4 P.M., and the meeting for the general public will begin at 6 P.M.
- Requested time in Executive Session to discuss potential litigation.

**Solicitor** – Requested time in Executive Session to discuss ongoing litigation.

**Mayor Appointments** – None

### **COUNCIL REPORTS**

**Mayor Baker** – Thanked City staff for their hard work on preparing the budget.

**Mrs. Fletcher** – Commended Pat Dolecki for the amazing work she has done temporarily filling in as the Marketing and Events Coordinator after Ronnie Beith's passing.

**Mr. Johnson** –

- Enjoyed interacting with the kids at Halloween
- Enjoyed a Veterans' Day presentation at the Franklin High School

**Mr. Marshall** –

- Received positive feedback on the city's downtown from out-of-town visitors
- Had a discussion with the principal at Central Elementary about speeding in front of the school

**Mr. Lyons** –

- Thanked staff for their hard work preparing the budget
- Thanked Ally-Karen Miller for her hard work at the pool

**Mr. Rudegear** – None

**Mr. Zahner** – None

### **EXECUTIVE SESSION - Resolution No. 174**

Mr. Rudegear motioned to enter into executive session at 8:20 P.M. for the purposes of ongoing and potential litigation. Mr. Johnson seconded the motion which passed unanimously. The Executive Session ended at 8:35 P.M.

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**ADJOURNMENT**

There being no further business to come before the Council, the meeting was adjourned at 8:35 P.M.

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