

REGULAR CITY COUNCIL MEETING
Council Chambers, City Hall
May 1, 2023

Members Present: Donna Fletcher, Deputy Mayor
James Johnson
Christian Marshall (arrived at 7:07 p.m.)
Todd Zahner
Ryan Rudegear
Samuel Lyons

Members Excused: Douglas Baker, Mayor

In Attendance: Tracy Jamieson, City Manager
Harmony Motter, Finance Director
Charles Gibbons, Code Enforcement Officer
Brian Spaid, City Solicitor
Cindi Power, Recording Secretary
Tom Kingdom, 1235 Liberty Street
Barbara Matthews, 1239 Liberty Street
Timothy Matthews, 1239 Liberty Street
Dave Ballard, Trails To Ales
Melissa Ditzenberger, 233 Overlook Drive
Helen Fielding, The Derrick./The News-Herald
Roxanne Spaid, Shade Tree Commission
Dana Shawgo, 1328 Liberty Street
Dr. James Paulson, 1272 Liberty Street
Jodi Hoover, 1223 Liberty Street, Barrow-Civic Theatre
Nick Hess, 415 12th Street
Bev Hart, 1333 Elk Street
Robert Hoover, 316 Big Oak Drive
Ashley Smith, 1346 Elk Street
Mathew Beith, 324 16th Street
Alex Spaid, Dale, Woodard, Gent, McFate

Mrs. Fletcher called the meeting to order at 7 p.m.

ADOPTION OF AGENDA – Resolution No. 48

Mr. Lyons moved to adopt the agenda as presented. It was seconded by Mr. Rudegear. The motion passed unanimously.

APPROVAL OF MINUTES – Resolution No. 49

Mr. Rudegear motioned and Mr. Johnson seconded the motion to approve the regular meeting minutes of April 3, 2023. The motion passed unanimously.

PAY THE BILLS – Resolution No. 50

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

CITIZENS' INQUIRIES

- Nick Hess, owner of the Printer's Cabinet & Curiosities at 415 12th Street spoke about his concerns over the possibility of changing a portion of 12th Street into a one-way traffic pattern. He mentioned the difficulty one-way traffic could cause for businesses that receive deliveries from big trucks and the overall traffic flow that could affect his business there.
- Jodi Hoover, who is a board member for the Barrow-Civic Theatre, said she also is concerned about the potential problems with deliveries and traffic flow in the area of 12th Street if Council decided to change the block between Liberty and Buffalo streets into one-way traffic.
- Ms. Hoover said she and Mr. Hess were also representing BCT board member Stephen Teig (who could not attend the meeting). Mr. Teig is concerned about how one-way traffic would interrupt the flow of vehicles and could keep bigger trucks from being able to access businesses in the area, particularly mentioning a warehouse along Buffalo Street that is owned and utilized by Anderson Furniture.

CERTIFICATES OF APPROPRIATENESS – Resolution No. 51

The following requests came before HARB at its April 25, 2023, meeting:

- 1272 Liberty Street – New façade, paint, windows, lighting
- 1328 Liberty Street – Paint, relocate sign
- 412 12th Street – Outdoor solar light

Mrs. Fletcher said the outdoor solar light at the Franklin Public Library may already be installed. Mrs. Jamieson said that particular HARB request may not have been required under the City Ordinance. Mr. Rudegear motioned to approve all of the HARB requests as presented and recommended by the HARB board. Mr. Johnson seconded the motion, which was passed unanimously.

SHADE TREE COMMISSION COMMEMORATIVE TREE PROGRAM PRESENTATION – ROXANNE SPAID

– Resolution No. 52

Mrs. Spaid, chairperson of the Shade Tree Commission, introduced the Commemorative Tree Program, which gives individuals or groups who want to honor or memorialize a loved one in any of the City parks as an alternative to picnic tables and benches. The fee for the program is \$500 per memorial tree and includes the following:

- A newly planted or specific existing tree. Special requests will be considered, but tree species and locations will ultimately be determined by the Shade Tree Commission, in coordination with the City Street Department.
- If a newly planted tree dies before it becomes established, the STC will provide a replacement, subject to species selection.
- An 8"x4" plaque, purchased from Franklin Bronze Plaques, with horizontal orientation with up to four (4) lines of text that will be reviewed and approved by the STC, have a dark oxide background and single line contrasting border, and mounted to a concrete slab. City Street Department personnel will install the plaque.

Mr. Rudegear thanked Mrs. Spaid for providing the guidelines of the program. Mrs. Spaid thanked City Council and City staff for their help and guidance in conducting STC business. Mr. Rudegear motioned to approve the program as presented. Mr. Johnson seconded the motion and it passed with a unanimous vote.

FIRST READING – BILL NO. 1 – PROPERTY MAINTENANCE CODE AMENDMENT (EXTERIOR SANITATION) – Resolution No. 53

Mr. Spaid read Bill No. 1, "Amendment to the Property Maintenance Code," in its entirety, into the record. Mr. Zahner raised concerns over City residents who did not have a garage in which to store items such as shovels, tarps, mowers, etc., so he believes the amended ordinance is not clear enough and would not improve the condition of some front porches that are being used inappropriately (unorganized) for storage. Mr. Gibbons agreed that some residents without garages or sheds for storage would need to use their porches for storage but reiterated that the Ordinance is addressing items that are not intended to be kept outdoors. Mrs. Jamieson noted that the changes in the Ordinance would allow the City to enforce rules regarding untidy conditions about which she is hearing many complaints. Mr. Johnson clarified that the Ordinance change has no effect on summer furniture. Mr. Lyons made a motion to approve the first reading of the Bill as it was read. Mr. Marshall seconded that motion and Council voted 6-0 to approve it.

FIRST READING – BILL NO. 2 – STOP SIGN AT ELK AND 14th STREETS – Resolution No. 54

Mr. Spaid read Bill No. 2, "Stop Sign at Elk and 14th Streets," in its entirety, into the record. He said the Ordinance was written at the request of Council during its March meeting. Mr. Lyons expressed his concern about the buildup of traffic onto Liberty Street due to an added Stop sign at this location. Mr. Zahner said he agreed with Mr. Lyons' assessment. Mr. Rudegear motioned to pass Bill No. 2 on its First Reading. Mr. Marshall seconded the motion. The Bill was defeated in a 3-3 vote, with Mr. Rudegear, Mr. Marshall and Mr. Johnson voting yes and Mr. Lyons, Mr. Zahner and Mrs. Fletcher voting no. Mr. Spaid noted a tie vote results in the Ordinance being defeated.

FIRST READING – BILL NO. 3 – STOP SIGNS AT ELK AND 9th AND AT ELK AND 4th STREETS – Resolution No. 55

Mr. Spaid read Bill No. 3, "Stop Signs at Elk and 9th and at Elk and 4th Streets," in its entirety, into the record. He noted the Ordinance was drafted at the request of Council during the March meeting and explained why the order of letters was changed to keep all of the text regarding traffic code in its proper order referencing direction. Mrs. Fletcher said she has heard from citizens with concerns about children crossing the street near Riverfront Park to get to a school bus stop. Mr. Zahner said he has heard people talking about their concerns for the need to slow traffic near the boat launch. Mr. Rudegear pointed out that Council is considering passing Bill No. 3 under the same terms on which it had just defeated Bill No. 2. Mr. Lyons commented the difference was that he did not see the Stop signs at 9th and 4th streets to have an effect on traffic backing up. Mr. Marshall moved to approve Bill No. 3 on its First Reading. Mr. Zahner seconded the motion, which was passed unanimously.

12th AND LIBERTY INTERSECTION DESIGN – Resolution No. 56

Mrs. Jamieson wanted to get Council's view of PennDOT's design options of the 12th and Liberty Streets intersection before sending out surveys to businesses and residents in the area, concerning their opinions about changing the 400 Block of 12th Street into a one-way street. Mrs. Jamieson's presentation included details noting the changed distances of crosswalks and the increased number of parking spots (with angled parking spots) when using the street in one direction as opposed to two directions. She noted the point of the 12th Street intersection redesign was to increase the safety of motorists and to give pedestrians more confidence when crossing streets at this large intersection. Her question to Council was whether the safety factor of shortening the crosswalk distances outweighs the inconvenience for drivers who are used to the current two-way traffic pattern. Mr. Rudegear said he believes one-way traffic along 12th Street would make delivery access to area businesses difficult – in particular, those businesses with back entrances along Buffalo Street. Mrs. Jamieson pointed out that three of the intersection's crosswalks will be significantly shorter and safer for pedestrians regardless of changing the traffic pattern along 12th Street. She noted there will be added greenspace at each crosswalk corner as part of the redesign. Mrs. Fletcher said she didn't like the idea of having another one-way street in town. Mr. Lyons made a motion to continue using two-way traffic on 12th Street. Mr. Johnson seconded the motion, which passed unanimously.

FIRST READING – BILL NO. 4 – LIMITED EXCEPTION TO OPEN CONTAINER ACT – Resolutions No. 57 & No. 58

Mr. Spaid read Bill No. 4, "Limited Exception to the Open Container Act," in its entirety, into the record. Mr. Spaid gave explanation behind the wording used throughout the Ordinance, noting that this is for a trial period and that, if it were continued next year, it would have to go through the Ordinance procedure again. He explained how he chose particular dates, times and the designated area, as well as wording used for rules regarding parades, beer vs. distilled alcohol, sidewalk cafes, etc. All were based on prior memos and conversations with the City Manager and Mr. Dave Ballard, who has been instrumental in bringing the new Ordinance into development. Mr. Spaid also noted that he used a similar Ordinance from the City of Zelenople as an example for this Ordinance. Mr. Zahner asked if the \$100 permit fee covered all three months of the program, and if the permit was just for the designated area of Liberty Street between 12th and 13th streets and on the northwesterly side of 12th Street. Mr. Spaid answered in the affirmative, noting the permit fee would not be prorated for businesses that join the program after it is started on June 10. Mr. Rudegear mentioned the possibility of adding the other side of 12th Street to the designated area. The floor was opened to anyone in the audience who wanted to speak or ask questions.

Mr. Ballard of Trails To Ales thanked Council for their work on the Ordinance. He told Council about the overwhelmingly positive feedback he is hearing concerning the program, saying he was 100% positive this will be good for Franklin. Mr. Tom Kingdom of Grumpy Goat Distillery agreed the program would benefit the City, but he was concerned that out-of-town visitors would be confused about the many facets of the regulations outlined in the Ordinance. He also thought the City should not leave out other businesses in town that serve alcohol. He suggested Council take an "all or nothing" approach to an open container law. Mrs. Jamieson said the City is not ready for such an undertaking. Mr. Rudegear made a motion to amend the Ordinance to include both sides of 12th Street between Liberty and Buffalo in the designated area. Mr. Marshall seconded this motion. The Bill passed 5-1, with Mr. Zahner objecting. A motion to adopt Bill No. 4 as presented with the amendment was made by Mr. Rudegear and seconded by Mr. Marshall. It was passed with a 5-1 vote. Mr. Zahner cast the no vote based on his objection to the designated area.

CONSULTING PROPOSAL AWARD – CITY HALL IMPROVEMENTS – Resolution No. 59

Mrs. Jamieson presented a proposal from Amos Rudolph Architecture, LLC, that specifies the scope of work involved with developing plans and specifications to install a new heating and cooling system in City Hall, adding new acoustical ceilings and interior LED lighting, upgrading emergency lighting where necessary, and replacing the exterior stairs to the police station. The project would also include repair work to the City Hall parking lot and the concrete island between the lot and Garnet Wood Way. The total not-to-exceed cost of the consulting contract is \$74,450. Mr. Rudegear made a motion to approve the proposal from Amos Rudolph Architecture, LLC, as presented. Mr. Lyons seconded the motion, which passed unanimously.

ADOPTION OF SECTION 3 AND SECTION 504 PLANS – Resolutions No. 60 and No. 61

Mrs. Jamieson introduced resolutions for the City’s Section 3 Action Plan and the 504 Plan that must be adopted in order to remain in compliance with the U.S. Department of Housing and Urban Development, Community Development Block Grant program and other federally funded programs.

The Section 3 Plan indicates that contractors awarded a contract in excess of \$100,000 must meet goals for training and goals for subcontractor and vendor awards to businesses that meet the definition of Section 3 (at least a 51% majority ownership of, or employment numbers of, people who are either low- or moderate-income). A motion to adopt the Section 3 Action Plan was made by Mr. Rudegear and seconded by Mr. Johnson, then passed unanimously.

The 504 Plan protects qualified individuals with handicaps from being discriminated against and denied benefits. Mrs. Jamieson is the current 504 Officer and is responsible for processing any grievances by an individual who feels they have been discriminated against by the City on the basis of a disability. Mr. Rudegear moved to accept the Section 504 Plan. Mr. Lyons seconded the motion, which was passed unanimously.

PARADE AND PARK REQUESTS – Resolution No. 62

Mrs. Jamieson introduced the following public assembly requests:

- Thursdays, June 1-August 24, 2023 – Bandstand Park – Thursday Night Concerts in the Park – FFAC
- June 14, 2023 – Bandstand Park – Flag Day Ceremony – Elks Lodge 110
- June 24, July 29 and August 26, 2023 – 12th Street Island – Artisan Market with Franklin Curb Market – City of Franklin, Allison Myers
- September 8, 2023 – Fountain Park – King-Wagner Wedding – Krista King
- September 9, 2023 – Bandstand Park – PetFest – Precious Paws

There was discussion over a request from Elks Lodge 110 asking for the City to waive all fees associated with its use of Bandstand Park for a Flag Day Ceremony. Mrs. Jamieson and Mr. Spaid cautioned Council on waiving the fees because most all events could be considered “public events” and cost the taxpayers money to accommodate them. Mr. Johnson made a motion to approve all of the public assembly permit requests without waiving any fees. Mr. Marshall seconded the motion, which passed 5-1 with Mr. Lyons objecting.

REPORTS

Manager – Mrs. Jamieson said that installation of the decorative downtown lights has hit some snags. Electrical conduits were damaged in some of the remaining light poles when workers were installing new anchor bolts in concrete foundations. This will require completely new foundations. Also, some of the existing wiring has been problematic. There is money left in the contract to cover these problems. Mrs. Jamieson will find out more details about what will need to be done at a meeting scheduled for May 2.

She informed Council of a new software package called Cloudpermit that will be used for the Code Department. It will allow for mobile inspections to be completed on a tablet and then will auto-generate a paper notice. Building permit requests could be started online and then reviewed by Building & Code. City Hall staff can then issue the paper permit once the fee is paid. Code complaints can be logged online by the public and then tracked by administration. The cost is \$5,500 initially for the software and its setup, then \$3,500 annually. There are funds in the budget for this purchase.

Mrs. Jamieson told Council she can make minutes from meetings of City boards, authorities and commissions available if any member has an interest.

She requested time in Executive Session for discussion of personnel and potential litigation.

Solicitor – Mr. Spaid said if Council members hear people talking about trees in memory of Ronnie Beith, they should be told that Ronnie had chosen specific trees and their locations, and Roxanne Spaid is handling those arrangements.

MAYORAL APPOINTMENTS – Resolution No. 63

In the absence of Mayor Doug Baker, Mrs. Fletcher motioned to reappoint Roxanne Spaid as chairperson of the Shade Tree Commission. Mr. Lyons seconded the motion and it passed unanimously.

Mrs. Fletcher – She offered condolences to Mr. Marshall on the passing of his father, James Marshall. She said the City should take steps to put up signs and get internet access to the bike trail to help pull tourists to the City. She presented two proclamations in the Mayor's absence, one to mark Traffic Safety Awareness Month in May and other to mark Public Service Recognition Week, May 7-13, 2023.

Mr. Johnson – He also offered condolences to Mr. Marshall, saying he was the reason for his own service to the City. He spoke about attending a conference in St. Marys with Mayor Doug Baker, who was congratulated on his Governor's Excellence Award. Mr. Johnson said the Community Conversations being held at the Franklin library continue.

Mr. Marshall – He talked about his Dad, saying it is a privilege and honor to serve Franklin and its people, just as his Dad did for many years. He read a letter from former Police Chief Len Keller that recognized Mr. Jim Marshall for his dedication to the City.

Mr. Lyons – He asked if West Park Street by the YMCA would be paved anytime soon. Mrs. Jamieson said it has been approved in a CDBG contract, but that paving probably wouldn't happen until late summer of 2024 or 2025. Mr. Lyons asked that the YMCA be notified so they can move their parking stops. Mr. Lyons asked about the condition of the pool at Miller-Sibley Park. Mrs. Jamieson said the pool will work for this year and maybe next year, but significant and expensive repairs will be necessary soon. She indicated that if the City pursues DCNR funding to do so, DCNR will require a feasibility and marketing study to be done before they would award a grant.

Mrs. Jamieson further noted that this would be a huge undertaking that the whole area (including Sugarcreek Borough) should be a part of, and not be just a Franklin taxpayer-funded project, due to its location and usage. Mr. Lyons asked for an update on the Honeywell building and was told that it was believed to have been sold.

Mr. Rudegear – Resolution No. 64

He was approached by someone who was interested in adding a tiny free library in one of the City parks. The suggestion was made to use some of the new greenspace that will be part of the 12th and Liberty Streets intersection design. Mr. Rudegear made a motion to allow a free library to be added to a City park. Mrs. Fletcher seconded the motion and it passed unanimously.

Mr. Rudegear spoke about a resident's plea for help concerning barking dogs near his home in the 700 block of 11th Street. City Ordinances do not limit the number of dogs allowed by residents but dogs are not to be allowed to bark constantly. Police have been notified of the problem and have responded to the location multiple times. Under City Ordinance, increasing fines can be levied on the dog owner.

Mr. Zahner – He offered condolences to Mr. Marshall.

EXECUTIVE SESSION – Resolution No. 65

Mr. Rudegear moved and Mr. Zahner seconded to enter into Executive Session for the purposes of personnel and potential litigation at 8:41 p.m. The motion passed unanimously. The Executive Session ended at 9:23 p.m.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 9:23 p.m.

Respectfully submitted,



Cindi Power, Recording Secretary