

REGULAR COUNCIL MEETING  
Council Chambers, City Hall  
June 5, 2023

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

Members Excused: None

In Attendance: Tracy Jamieson, City Manager  
Brian Spaid, Esq., City Solicitor  
James Wetzel, Fire Chief  
Harmony Motter, Finance Director  
T.J. Parks, Recording Secretary  
Amanda Power, Community Development Director  
Cindi Power, City of Franklin  
Helen Fielding, The Derrick  
Bev Hart, 1333 Elk Street  
Deb Eckelberger, FICDA  
James and Ashley Smith, 1346 Elk Street  
Alex Spaid, Dale, Woodard, Gent, McFate  
David Comiske, 314 W. Park Street  
Tim and Barb Matthews, 1239 Liberty Street  
Jodi Lewis, 1255 Liberty Street  
Jennifer Taylor, 1526 Buffalo Street  
Melissa Ditzenberger and David Ballard, 233 Overlook Drive  
Bernie Nerlich, 1828 Keeley Road  
John Miller, 312 11<sup>th</sup> Street  
Tisha Bell Miller, 1347 Otter Street  
David Fox and Joseph Jenkins, 1346 Otter Street  
Sarah Merkel, 1418 Elk Street  
Ben Villar, 436 Edgewood Drive

Mayor Baker called the meeting to order at 7:08 P.M.

**ADOPTION OF AGENDA – Resolution No. 66**

Mr. Rudegeair moved to adopt the agenda as presented, seconded by Mr. Lyons. The motion passed unanimously.

June 5, 2023

**APPROVAL OF MINUTES – Resolution No. 67**

Mr. Johnson motioned and Mr. Rudegear seconded the motion to approve the regular meeting minutes of May 1, 2023. The motion passed unanimously.

**PAY THE BILLS – Resolution No. 68**

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

**CITIZENS' INQUIRIES –**

- Bev Hart, resident at 1333 Elk Street, spoke on behalf of the stop signs proposed to be installed on the north and south sides of the intersection at Elk and 14<sup>th</sup> Streets. She expressed concern about the aggressive driving in that area, putting the safety of children and pedestrians at risk. Mayor Baker cordially asked Ms. Hart and others in attendance to hold their comments on this subject until Mr. Spaid concludes first reading of Bill No. 6.

**REQUEST PERMISSION TO PLACE OBJECTS ON CITY PROPERTY**

**Kiosk**

Franklin Moving Forward, in conjunction with the Franklin Chamber of Commerce and the Retail Association, received a \$5,000 Preservation Grant from the Oil Region Alliance (ORA), plus an additional \$5,000 cash gift from ORA, to install a four-sided City directory kiosk on the edge of Fountain Park in the City's right of way that runs parallel to Liberty Street. Each side will have a transparent, back-lit cabinet to house removable posters that will feature 1) ORA-sponsored attractions, 2) a listing of all the downtown businesses, 3) a map of the City's historic walking tour, and 4) advertising of local business and community events. There will be no digital displays or electronic message centers (EMC) on the kiosk.

Mrs. Jamieson recommended entering into a license agreement between the City and whichever entity that will own the kiosk. The agreement would spell out the responsibilities of each entity in the maintenance, insurance, and electric usage. She also confirmed that the City crews would install concrete around the kiosk to make it wheelchair accessible.

**Resolution No. 69** – Mr. Rudegear motioned and Mr. Marshall seconded to permit the installation of the kiosk within the City's right of way, subject to a license agreement between the City and the other responsible party. The motion passed unanimously.

**Fountain**

Mrs. Jamieson presented a request from Nick Hess, owner of Printer's Cabinet and Curiosities, to move the large marble fountain in front of the residence at 948 Liberty Street to the City-owned lawn space between his shop and the entrance to the First United National Bank to be used as a planter with no waterline or other underground utility connection.

# Franklin City Council Minutes

June 5, 2023

Mr. Spaid recommended executing a license agreement, ensuring that the fountain is maintained by Mr. Hess and removed, should his business relocate.

Mr. Marshall reported that, following a conversation with Mr. Hess over the weekend, Mr. Hess has not ruled out the possibility of using it as a fountain. Mr. Spaid said doing so would require Mr. Hess to present his request to Council at another meeting as it would change the dynamic of the agreement.

**Resolution No. 70** – Mr. Rudegear motioned to approve the request to use the fountain as a planter only with no water or other underground utility connections. Mr. Johnson seconded the motion, which passed unanimously.

## **CERTIFICATES OF APPROPRIATENESS**

The following requests came before HARB at its May 23, 2023 meeting:

1. 936 Liberty Street – Porch replacement
2. Area between sidewalk and curb along Liberty Street, between 12<sup>th</sup> and West Park Streets – Kiosk
3. 312 11<sup>th</sup> Street – Porch replacement
4. 1422 Liberty Street – Paint
5. 415 12<sup>th</sup> Street – Paint
6. 1047 Elk Street – Windows, siding, paint, and porch repairs
7. 1409 Elk Street – Fence, porch, roof
8. 314 West Park Street – Paint and signage

**Resolution No. 71** – Mr. Rudegear motioned to approve requests 1, 3, 4, 5, 6, 7 and 8 as presented. Mr. Lyons seconded the motion, which passed unanimously.

**Resolution No. 72** – Mr. Rudegear motioned to approve request number 2, provided that the kiosk, throughout its existence, remains in compliance with the forthcoming ordinance regarding the prohibition of digital/EMC signage within the City's historic district. Mr. Johnson seconded the motion. The motion passed unanimously.

## **FINAL READING – BILL NO. 1 – PROPERTY MAINTENANCE CODE AMENDMENT (EXTERIOR SANITATION) – Resolution No. 73**

Mr. Spaid read Bill No. 1, "Amendment to the Property Maintenance Code," into the record.

Mr. Rudegear moved and Mr. Marshall seconded the motion to pass on Final Reading of Bill No. 1. Motion passed unanimously.

June 5, 2023

**FINAL READING – BILL NO. 3 – STOP SIGNS AT ELK & 9<sup>TH</sup> AND ELK & 4<sup>TH</sup> STREETS – Resolution No. 74**

Mr. Spaid read Bill No. 3, “Stop Signs at Elk and 9<sup>th</sup>, and Elk and 4<sup>th</sup> Streets,” into the record.

Mr. Marshall motioned to pass on Final Reading of Bill No. 3. Mr. Rudegear seconded the motion. The motion passed unanimously.

**FINAL READING – BILL NO. 4 – LIMITED EXCEPTION TO OPEN CONTAINER ACT – Resolution No. 75**

Mr. Spaid read Bill No. 4, “Limited Exception to the Open Container Act,” into the record.

Mr. Marshall motioned to pass on Final Reading of Bill No. 4. Mr. Johnson seconded the motion. The motion passed unanimously.

**FIRST READING – BILL NO. 5 – AMENDMENT TO LIMITED EXCEPTION TO OPEN CONTAINER ACT – Resolution No. 76**

Mr. Spaid read Bill No. 5, “Amendment to Limited Exception to Open Container Act,” in its entirety, into the record.

Mr. Spaid explained that 703.04(e) of Bill No. 4 of 2023, as it is currently written, prohibits establishments not defined as “bars, taverns and restaurants” from selling or distributing alcoholic beverages for the purposes of the exemption set forth in the Bill. This amendment expands the definition of bars, taverns and restaurants to include establishments licensed to sell and distribute alcoholic beverages within the designated area. For example, Liberty Street Antiques sells wine from a local winery, but is not a bar, tavern or restaurant under the previously written definition. Mr. Spaid further explained that Liberty Street Antiques, or any other shop that meets the same criteria, will not be able to participate in the Sip n’ Shop program until the passage of Bill No. 5 at the July meeting.

Mr. Rudegear motioned to pass on First Reading of Bill No. 5. Mr. Lyons seconded the motion, which passed unanimously.

**FIRST READING – BILL NO. 6 – STOP SIGNS AT ELK & 14<sup>TH</sup> STREETS – Resolution No. 77**

Mr. Spaid read Bill No. 6, “Stop Signs at Elk & 14<sup>th</sup> Streets,” in its entirety, into the record.

Mayor Baker requested this be put on the agenda this month, despite having been defeated on first reading last month. He expressed concern over the needs and safety of the people that live in the neighborhood over those of the people that use the neighborhood to avoid downtown traffic. Messrs. Marshall and Rudegear discussed issues of speed and large traffic volume. Mr. Lyons expressed concern that traffic will get backed up onto Liberty Street.

June 5, 2023

Ashley Smith, resident at 1346 Elk Street, stated that the request for this stop sign has been presented to Council numerous times since 2017 and stressed that our residential neighborhoods are not a thoroughfare for drivers to beat the traffic downtown.

Trisha Bell Miller, resident at 1347 Otter Street, does not appreciate the amount of traffic that comes through Otter Street, especially considering that there are twenty (20) children under the age of sixteen (16) that live between the 1300 and 1400 blocks of Otter. She has observed drivers not coming to complete stops at the stop sign on the corner of Otter and 14<sup>th</sup> and watched them speed up towards Liberty Street. She also inquired about the speed bump that is placed on Otter Street during the snow-free months. Mrs. Jamieson said she will bring that up during her manager's report.

Sarah Merkel, at 1418 Elk Street, attested to the aggressive driving on 14<sup>th</sup> Street, as vehicles try to get to the green light at Liberty and 14<sup>th</sup> before it turns red. Dave Ballard expressed his observation that stops signs are needed at this intersection.

Mayor Baker motioned to pass on First Reading of Bill No. 6. Mr. Rudegear seconded the motion. Messrs. Lyons and Zahner voted in opposition. Motion to approve passed 5-2.

**COMPREHENSIVE SAFETY ACTION PLAN (SAFE STREETS FOR ALL PROGRAM) – Resolution No. 78**

Mrs. Power presented a proposal from Michael Baker International, a construction engineering firm who is currently under contract with Northwest Regional Planning Commission. The purpose of the proposal is to develop a certified Action Plan that meets the requirements outlined in the Bipartisan Infrastructure Law's Safe Streets and Roads for All Program in order to be eligible to receive the federal funds. Michael Baker will conduct the study throughout all three (3) census tracts in the City for a period of six (6) months and prepare recommendations to include specific implementation strategies categorized by cost and timeframe. Cost to complete the assessment is \$50,000, with a match requirement of 10%, or \$5,000.

Mr. Johnson motioned to approve the City's participation in the Unified Planning Work Program and contribute the necessary \$5,000 to support the creation of the Safe Streets for All Action Plan. Mr. Rudegear seconded the motion which passed unanimously.

**HOWARD STREET IMPROVEMENTS BID AWARD – Resolution No. 79**

Mrs. Jamieson announced the results of the bid opening from earlier this morning to mill and pave the City's portion of Howard Street in concert with FICDA's portion. Of the three (3) bids that were received, Glenn O. Hawbaker, Inc., who was also the low bidder for FICDA's portion, came in with the lowest cost of \$55,694.60. She reminded Council that FICDA received a grant to pay for the cost of paving their portion of the street. FICDA will front the cost of the City's portion; the City will in return reduce its General Services fee, as provided for in the

## Franklin City Council Minutes

June 5, 2023

management agreement, over a period of ten (10) years, until FICDA has been reimbursed. Paving is expected to start in August and must be completed by September 18<sup>th</sup>.

Mr. Johnson moved and Mr. Rudegeair seconded to accept the bid from Glenn O. Howbaker, Inc. in the amount of \$55,964.60. The motion passed unanimously.

### **AWARD STORMWATER ENGINEERING CONTRACT – 11<sup>TH</sup> AND SASSAFRAS STREETS – Resolution No. 79**

Mrs. Power reminded Council of the FY-2021 CDBG application that included a request for \$80,095 to address the inadequate, undersized and aged stormwater system in the 700 block of 11<sup>th</sup> and Sassafras Streets, which is causing stormwater to flood the roadway, erosion of the street, and damage to property. The City received two (2) proposals for engineering services on June 2, 2023 at 10 AM: Rabell Surveying & Engineering at \$21, 500 and Stiffler-McGraw at \$26, 500. Mrs. Power recommended Council award the contract to Rabell.

Mrs. Fletcher motioned and Mr. Lyons seconded to award the engineering contract to Rabell Surveying & Engineering in an amount not-to-exceed \$21,500. The motion passed unanimously.

### **PARK AND PARADE ASSEMBLY REQUESTS – Resolution No. 80**

Mrs. Jamieson introduced the following public assembly requests:

- Tuesdays, June 6 – July 25, 2023 • Miller-Sibley Pickleball Courts for Community Pickleball Play • Marcy Shoenfelt
- Sundays, June 11, June 25, and July 2, 2023 • 12<sup>th</sup> Street from the First National Bank entrance to Buffalo St., for a Classic Car & Motorcycle Cruise-In • Trails to Ales Brewery
- June 24, 2023 • 12<sup>th</sup> Street from Liberty St. to Buffalo St. for Children’s Ice Cream Social • FFAC
- July 9 and August 13, 2023 • Bandstand Park for Worship in the Park • Redeemer Anglican Church
- July 28, 2023 • Bandstand Park for County Employee Picnic • Venango County
- October 21, 2023 • 12<sup>th</sup> Street, Liberty St. to Buffalo St. for Witch Walk • Franklin Retail Association

Mr. Johnson motioned and Mr. Marshall seconded to approve all requests. The motion passed unanimously.

## **REPORTS**

### **Manager –**

- Mrs. Jamieson reported on a large basin that sits uphill from the 3<sup>rd</sup> Street Water Network garage. It was constructed in 1892 to reserve drinking water for a portion of the City, but was abandoned around 1907 because it could not properly hold enough

June 5, 2023

water. Not having received maintenance for many years, the outflow pipe has become clogged, causing “relief boils” to develop in some areas. While it is not determined to be an immediate threat, The EADS Group recommends that action to remove the basin should start to be taken into consideration. Since it is on City property, it would be best approached as a joint endeavor with the General Authority. The Authority plans to apply for a Growing Greener Plus grant for \$500,000 and will need a letter of commitment from the City to agree to the project and any post-maintenance tasks that may be required. If the Authority is awarded the project, the City will need to enter into a Landowner’s Agreement. Matching fund requirement for the grant is 15%, or \$85,000, a portion of which could involve City funds. As a starting point, Mrs. Jamieson recommended Council approve the Letter of Commitment while discussions with DEP continue.

- **Resolution No. 81** – Mr. Rudegeair motioned to approve the Landowner Letter of Commitment as presented. Mr. Marshall seconded the motion, which passed unanimously.
- The downtown light poles are finally finished, but large trucks have hit the lower banner arms on two (2) of the poles. The Street Dept. will cut and re-thread them to a narrower size to avoid future occurrence.
- The City purchased two (2) handicapped picnic tables using funds awarded from the McElhattan Foundation. One will be placed on the West Park St. side of Fountain Park and the other will be in Bandstand Park. Both will require being placed on concrete pads, as well as a concrete walkway from the sidewalk. To make lawn maintenance easier for the Street Department, they would like to construct a 20’x50’ concrete pad for all of the picnic tables in Fountain Park, to which Council did not object.
- Mrs. Jamieson reported that the speed hump that gets placed on Otter Street is completely worn out. She provided the options of replacing it, possibly add a second one, put in two (2) permanent speed humps, or send another survey to the neighboring residents. After discussion, the consensus was to order another removable speed hump and get pricing for installing a permanent one.
- Mr. Parks, Grants Facilitator, reported that he sent out bid sheets to five (5) contractors who had expressed interest in bidding on the Neighborhood Sidewalk Replacement Project that is being funded by the McElhattan Foundation. Bids will be due on June 26<sup>th</sup>. There were fourteen (14) residents who applied to have their sidewalks quoted, plus the First Baptist Church. Contractors will also give quotes for curb cuts at 12<sup>th</sup> and Chestnut and 11<sup>th</sup> and Chestnut, and adding sidewalks to the approaches of Feldman Way and Bernet Way along Buffalo Street.
- Mrs. Jamieson invited anyone interested in attending Lt. Missy Edwards’ retirement party on Sunday to RSVP by the end of tomorrow.
- Has items of personnel and negotiations to discuss in Executive Session.

**Solicitor** – None

# Franklin City Council Minutes

June 5, 2023

## **Mayor Appointments –**

Mayor Baker motioned to make the following reappointments:

- **Resolution No. 82** – Ryan Rudegear to serve on the Redevelopment Authority for a term ending July 31, 2028. Mr. Johnson seconded the motion, which passed unanimously.
- **Resolution No. 83** – Adrian Kuzma to serve on the Commission to Remember Our Heroes for a term ending July 12, 2026. Mr. Johnson seconded the motion, which passed unanimously.

## **COUNCIL REPORTS**

**Mayor Baker** – Invited interested Council members to participate in the Liberty Fest parade on June 24 at 11 AM.

### **Mrs. Fletcher –**

- Glad to see the streetlights installed and operating again
- Inquired about an item to discuss in Executive Session

### **Mr. Johnson –**

- Thanked Mrs. Eckelberger for use of the FICDA conference room for the Heritage Advisory Council
- Had fun at the Memorial Day parade
- Thanked The Derrick for the great article regarding the Honorable Knights

### **Mr. Marshall –** Made the following inquiries:

- Are there any upcoming construction projects that will cause inconveniences to downtown residents? Mrs. Jamieson said the only construction scheduled is replacement of the waterline on Old Mercer Road, but that would not affect downtown and that Elk Street paving has not been scheduled to start yet.
- Has there been any further discussion about the text notification service to alert residents of construction-related inconveniences? Mrs. Jamieson said the IT Department is looking into it further.
- Is there a possibility to rehab the tennis courts at Riverfront Park? Mrs. Jamieson said it would need to be budgeted for and would cost well over \$100,000, referencing the tennis court rehab at Miller-Sibley that was funded by a DCNR grant, which requires a 50% match. She noted it had been mentioned several times over the past years' budget messages.

### **Mr. Lyons –**

- Light is not functioning properly at Coefield Corners again. Mrs. Jamieson said she will have the Street Department look into it
- Swimming pool will be open to the public this Friday.

June 5, 2023

**Mr. Rudegear** – Glad to see the positive reception of the Little Library installed in Fountain Park. Thanked Mrs. Jamieson and the Street Department

**Mr. Zahner** – None

**EXECUTIVE SESSION – Resolution No. 84**

Mrs. Fletcher moved and Mr. Lyons seconded to enter into Executive Session for the purposes of personnel and negotiations at 8:30 P.M. The motion passed unanimously. The Executive Session ended at 9:32 P.M.

**ANY OTHER ACTION**

Mr. Rudegear moved and Mr. Lyons seconded to acquire properties located at 1326 Eagle Street and 812 Old Mercer Road, on the condition that their title searches do not present issues, and on the condition that the Venango County Land Bank cover the cost of demolition. The motion passed unanimously.

**ADJOURNMENT**

There being no further business to come before the Council, the meeting was adjourned at 9:33 P.M.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "T.J. Parks".

T.J. Parks, Recording Secretary