

REGULAR COUNCIL MEETING  
Council Chambers, City Hall  
February 7, 2022

Members Present: Douglas Baker, Mayor  
Donna Fletcher, Deputy Mayor (Via Teleconference)  
James Johnson  
Ryan Rudegeair (Via Teleconference)  
Samuel Lyons (Via Teleconference)  
Christian Marshall

Members Excused: Fred Mays

In Attendance: Tracy Jamieson, City Manager  
Brian Spaid, Esq., City Solicitor  
James Wetzel, Fire Chief  
Kevin Anundson, Police Chief (Via Teleconference)  
Charles Gibbons, Code Enforcement Officer  
Michael Gorman, Resources Assistant (Via Teleconference)  
T.J. Parks, Recording Secretary  
Brandi Haines (Via Teleconference)  
Mishelle Beith (Via Teleconference)  
Brad Lena, The Derrick  
Sydney Herdle, The Derrick  
Marc Turner, 1324 Liberty Street  
Deb Eckelberger, FICDA  
Jake and Ashley Smith, 1346 Elk Street  
Bev Hart, 1333 Elk Street

Mayor Baker called the meeting to order at 7:00 P.M.

**ADOPTION OF AGENDA – Resolution No. 10**

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

**APPROVAL OF MINUTES – Resolution No. 11**

Mr. Marshall motioned and Mr. Johnson seconded the motion to approve the Conditional Use Hearing minutes and regular meeting minutes of January 3, 2022. The motion passed unanimously.

**PAY THE BILLS – Resolution No. 12**

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

**CITIZENS' INQUIRIES** – Brandi Haines, part-time resident of 410 4<sup>th</sup> Street, asked if the “No Parking” signs on the 400 block of Buffalo Street have been removed. Mr. Wetzel affirmed that they have been.

**CERTIFICATES OF APPROPRIATENESS**

It was noted that neither of the applications reviewed at the last HARB meeting had received the four (4) affirmative votes needed for a recommendation to City Council, therefore the following come without any recommendation by HARB.

- 1412 Liberty Street – LED Sign
- 1324 Liberty Street – LED Sign

Mr. Johnson motioned and Mr. Lyons seconded to deny Certificates of Appropriateness for both requests. Prior to the vote, Mr. Turner, representing Career Concepts at 1324 Liberty Street, defended his request by further explaining that the brightness of the sign would be set to match the brightness of surrounding ambient lighting, and will be factory-set to dim as it gets darker in the winter months, and that the images on the sign would change at no less than ten-second intervals.

Mr. Marshall stated that while he wants to promote business in Franklin, he also wants to maintain the historic aesthetic of Liberty Street. Mr. Rudegeair stated that he regrets allowing any LED lighting into the Historic District. As a compromise, Mr. Turner was willing to only activate the sign during normal business hours, Monday through Friday, from 7 A.M. to 5 P.M. With that condition in place, Mr. Johnson decided to vote in favor of the request. Mr. Spaid then advised Council that a resolution needed to be made to table the previous motion to deny the request.

**Resolution No. 13** – Mr. Marshall moved and Mr. Johnson seconded to table the motion to deny the request at 1324 Liberty Street. The motion passed unanimously.

**Resolution No. 14** – Mr. Marshall moved and Mr. Johnson seconded the motion to issue a Certificate of Appropriateness for 1324 Liberty Street, upon the following conditions: the electronic message center (EMC) shall be no larger than 17.5 sf, shall contain only non-animated color pictures that change no less than every ten seconds, shall be adjusted to be no brighter than the surrounding lighting, with no ground illumination of the sign, and shall only be activated during normal business hours, Monday through Friday, from 7 A.M. to 5 P.M. Mrs. Fletcher and Mr. Rudegeair voted in opposition of the motion. The motion passed 4-2.

**Resolution No. 15** – With Mr. Spaid’s recommendation, Mr. Johnson moved and Mr. Marshall seconded the motion to deny a Certificate of Appropriateness for 1412 Liberty Street, due to a lack of information provided in the HARB application. Motion passed unanimously.

**DECISION ON MASTERSON CONDITIONAL USE REQUEST – Resolution No. 16**

Since the time of the Conditional Use Hearing, Mr. Masterson has decided to withdraw his request; however, Mr. Spaid advised Council to render a decision to deny the request for record keeping purposes. He informed Council that Mr. Masterson would have to start from

scratch if he decides to pursue his plans in the future.

Mr. Marshall motioned to deny the Conditional Use request on the basis that the request has been withdrawn by the applicant. Mrs. Fletcher seconded the motion, which passed unanimously.

**SECOND READING – BILL NO. 1 – VACATION OF PART OF RIESENMAN AVENUE – Resolution No. 17**

Mr. Spaid read Bill No. 1, "Vacation of Part of Riesenman Avenue" into the record.

Mr. Baker moved and Mr. Johnson seconded the motion to pass on Second Reading of Bill No. 1. Motion passed unanimously.

**APPROVAL OF DEED TO THE ESTATES AT FRENCH CREEK, LLC (FORMERLY CAUVEL’S) – Resolution No. 18**

Mr. Spaid presented the deed to correct a mistake that was made in a previous deed many years ago. The City and the General Authority are still waiting for executed easement agreements.

Mr. Lyons motioned to authorize the appropriate City officials to execute the deed, upon the condition of receiving those executed easement agreements from The Estates at French Creek, LLC,. Mr. Marshall seconded the motion, which passed unanimously.

**STORM SEWER EASEMENT AGREEMENT – Resolution No. 19**

Mr. Spaid informed that the Easement Agreement would allow for the City and the General Authority to access all water, sewer and stormwater lines "in, on and over the Vacated Premises."

Mr. Johnson motioned and Mrs. Fletcher seconded to authorize the execution of the Storm Sewer Easement Agreement with The Estates at French Creek, LLC. The motion passed unanimously.

**FIRST READING – BILL NO. 2 – OUTDOOR CAFÉ ORDINANCE – Resolution No. 20**

Mr. Spaid read Bill No. 2, "Outdoor Café" in its entirety, into the record. Mr. Baker asked who will be the issuing authority. Mr. Spaid responded that it will be either the City Manager or the Code Enforcement Officer. Mrs. Jamieson stated that the Code Enforcement Officer would be the one responsible for enforcing the regulations outlined in the ordinance, with help from the police and firemen on weekends and when matters of public safety are an issue.

Mr. Wetzel expressed concerns over the size of table umbrellas and obstructing views. Mr. Spaid suggested seeing if that becomes an issue and tweaking the ordinance if it does. Another concern Mr. Wetzel had was about restaurant-owned garbage cans staying outside. It was decided that may not be an issue because businesses wouldn't want their garbage cans being used by the general public on off-hours.

Additionally, the \$100 permit fee was discussed and Mr. Spaid advised that that fee would become part of the City's fee schedule.

Mr. Johnson moved and Mr. Marshall seconded the motion to pass on First Reading of Bill No. 2. Motion passed unanimously.

**FIRST READING – BILL NO. 3 – REPEAL AND ADOPT ARTICLE 1701 – BUILDING CODE – Resolution No. 21**

Mr. Spaid read Bill No. 3, “Repeal and Adopt Article 1701 – Building Code” in its entirety, into the record. He noted that this was being repealed and adopted in order to remove references to the BOCA National Building Code, which is no longer enforceable, and to adopt the Uniform Construction Code as the Franklin Building Code.

Mr. Marshall moved and Mrs. Fletcher seconded the motion to pass on First Reading of Bill No. 3. Motion passed unanimously.

**FIRST READING – BILL NO. 4 – AMEND ARTICLE 1101 – PROPERTY MAINTENANCE CODE – Resolution No. 22**

Mr. Spaid read Bill No. 4, “Amend Article 1101 – Property Maintenance Code” in its entirety, into the record. Mr. Spaid noted that this amendment was necessary to comply with a court ruling that any amendments to the International Property Maintenance Code being utilized by a municipality would need to be specifically named in an ordinance versus the “as amended” language. As a result, this amendment is formally adopting the 2018 edition of the International Property Maintenance Code.

Mr. Johnson moved and Mr. Lyons seconded the motion to pass on First Reading of Bill No. 4. Motion passed unanimously.

**TAX ANTICIPATION NOTE RESOLUTION – Resolution No. 23**

Mr. Spaid presented copies of the Certificate and the Note Resolution for the 2022 Tax and Revenue Anticipation Note (TAN) with First United National Bank in the amount of \$450,000 at 1.49% interest. Mrs. Jamieson reminded Council that they had awarded the TAN at an earlier Council meeting, but this official action was necessary to complete the bank paperwork.

Mr. Marshall motioned to approve the resolution as presented, seconded by Mr. Johnson. The motion passed unanimously.

**ESTABLISH CONDITIONAL USE HEARING – BED AND BREAKFAST REQUEST – Resolution No. 24**

Mrs. Jamieson reported that Thomas and Nellie Riggs had filed an application for a Conditional Use Hearing, to utilize their property, located at 402 Elk Street, as a Bed and Breakfast. Mrs. Fletcher motioned to schedule the Conditional Use Hearing for March 7, 2022, at 6:30 P.M. Mr. Marshall seconded the motion, which passed unanimously.

### **PARK AND PARADE ASSEMBLY REQUESTS – Resolution No. 25**

- May 7 and 8, 2022 • West Park • May Garden Mart • Franklin Gardeners Association
- September 10, 2022 • Bandstand Park • Petfest • Precious Paws
- October 1, 2022 • Riverfront Park with procession to 828 Liberty Street • Rudegear/Hoch Wedding • Ann Rudegear

Mrs. Fletcher motioned and Mr. Lyons seconded to approve all requests. The motion passed unanimously.

### **REPORTS**

#### **Manager –**

- The Bully Hill Cell Tower Lease extension was finalized since the last Council meeting and the monthly lease amount will be \$100 more per month in the lease's first term than anticipated, once the tower is erected.
- The Community Development Department submitted a \$100,000 grant request to the McElhattan Foundation to assist with the City's Sidewalk Improvement Program. We anticipate hearing from the foundation this Spring or Summer.
- The Transportation Alternatives Project, which involves replacement of decorative street lights and concrete pavers, is scheduled to kick off in April. Mrs. Jamieson will share a proposed construction schedule with the merchants and public, once it is known. It was discovered that the anchor bolts for the light poles are too corroded to reuse, so new ones will have to be installed. This will delay the project slightly and increase the cost, but there should be enough grant funds to cover the additional expense.
- Mr. Wetzel gave an update on the Pedestrian Safety Committee's most recent meeting. He suggested that the committee may recommend hiring a traffic engineer to look into concerning issues such as the Washington Crossing intersections, 12<sup>th</sup> and Buffalo, and 12<sup>th</sup> and Otter. Mrs. Jamieson hopes to be able to utilize some findings in the traffic study that was done at 12<sup>th</sup> and Liberty and apply that information to Washington Crossing. She hopes to have an engineering proposal at an upcoming Council meeting to review.

#### **Solicitor –**

- **Resolution No. 26** – Mr. Spaid indicated that the Code Enforcement Appeal hearing, which was originally set for tonight, would need to be re-scheduled for March 7 at 6 P.M. Mr. Johnson motioned and Mr. Marshall seconded to hold the appeal hearing at that time. The motion passed unanimously.

- Informed Council of a Zoning hearing for a day care to operate in the Third Ward. He stated that the type of hearing will be a special exception and that it will be heard by the Zoning Hearing Board, but did not feel a need to attend.
- Asked Mayor Baker to reach out to Pam Sibley to provide a resignation letter for her position on the Planning and Zoning Commission – otherwise action will have to be taken against her.

**Mayor Appointments – Resolution Nos. 27 and 28**

Mayor Baker moved to make the following appointments:

- Matthew Beith to serve another term on the Planning and Zoning Commission, ending January 31, 2026. The motion was seconded by Mr. Johnson;
- Caleb Williams to serve another term on the General Authority ending January 1, 2027. The motion was seconded by Mr. Johnson.

Both motions passed unanimously.

**COUNCIL REPORTS**

**Mayor Baker** – Extended his compliments to all the participants involved with Franklin on Ice

**Mrs. Fletcher** –

- Resident was concerned that the ten trees planted along the walkway at Riverfront Park would interfere with kids flying their kites. Mrs. Fletcher assessed the area and felt that there is plenty of room.
- Same resident feels that Riverfront Park needs to be renamed to honor a deceased resident. She advised this person that Council has already agreed that the name of the park will remain Riverfront Park, as its name helps to identify its location and is recognized by the public.

**Mr. Johnson** – Appreciated the positive feedback regarding Franklin on Ice and the City

**Mr. Marshall** – Also pleased with Franklin on Ice and grateful to all who assisted, particularly the Street Department

**Mr. Lyons** – Franklin Bronze would like to request that some parking spots be eliminated on Atlantic Avenue because semis are having trouble turning into the loading area. Council asked Mrs. Jamieson to discuss this matter with staff.

**Mr. Rudegeair** – None

**EXECUTIVE SESSION**

There were no requests for time in Executive Session.

**ANY OTHER BUSINESS** – None

**ADJOURNMENT**

There being no further business to come before the Council, the meeting was adjourned at 8:24 P.M.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "T.J. Parks". The signature is written in a cursive, flowing style.

T.J. Parks, Recording Secretary