

REGULAR COUNCIL MEETING  
Council Chambers, City Hall  
July 11, 2022

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

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  
Helen Fielding, The Derrick  
Bev Hart, 1333 Elk Street  
Deb Eckelberger, FICDA  
Scott Kennedy, 202 Nesbit Street  
Joe and Amy Dick, 1044 Elk Street  
Mike Nelms, 1043 Elk Street  
Jessica LaVerde, 1135 Elk Street  
Dana Shawgo, 1412 Liberty Street  
Jarvis and Rachel Bridges, 827 Liberty Street  
Matt Beith, 324 16<sup>th</sup> Street

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

**ADOPTION OF AGENDA – Resolution No. 91**

Mr. Rudegear moved to adopt the agenda as presented, seconded by Mrs. Fletcher. The motion passed unanimously.

**APPROVAL OF MINUTES – Resolution No. 92**

Mr. Rudegear motioned and Mr. Lyons seconded the motion to approve the regular meeting minutes of June 6, 2022. The motion passed unanimously.

**PAY THE BILLS – Resolution No. 93**

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

July 11, 2022

**CITIZENS' INQUIRIES**

- Joe Dick, resident of 1044 Elk Street, politely voiced frustration over the dust associated with the waterline replacement taking place on Elk Street, stating that fast-moving traffic is stirring up dust from the dirt that is being used as a temporary fill-in for the trenches that were dug to replace waterlines and covering residents' homes and vehicles with dust. He also mentioned that the stones in the dirt are being flung by moving vehicles' tires and causing damage to windshields. Mr. Dick asked if a schedule could be provided to keep residents informed.

Mrs. Jamieson informed that the General Authority project is currently 65% complete with all the main waterlines installed, which leaves the service lines left to finish. Of the seventy service lines to be installed, twenty are currently in place leaving fifty left to complete. She indicated that the City has asked the General Authority's contractor to water the trench for dust control, but wasn't sure what more could be done. She encouraged residents to contact the project inspector on the job, as he would be more knowledgeable as to the real-time status of the project.

- Scott Kennedy, Franklin area resident and owner of Here to There taxi service, stated that he is frustrated with various municipalities he services that require mercantile licenses. He said that he does not know where a customer might need to be transported from day-to-day and needing a mercantile license for each location is an unreasonable expectation and a financial burden. Mr. Kennedy suggested that Council discuss other options or exemptions for transportation services.

**CERTIFICATES OF APPROPRIATENESS**

The following four requests came before HARB at their June 28, 2022 meeting:

1. 827 Liberty Street – New exterior paint color
2. 1135 Elk Street – Rebuild addition in back of house
3. 1105 Elk Street – New exterior paint color
4. 1412 Liberty Street – LED Sign

**Resolution No. 94** – Mr. Rudegear motioned to approve the first three requests. Mr. Lyons seconded the motion which passed unanimously. Mrs. Fletcher asked the owners of 827 Liberty Street when they purchased the home, and which real estate agency they went through and if they were informed about the requirements for external improvements to homes within the historic district. Mrs. Bridges stated that they purchased the home eight years ago through Beith Associates and they were never informed of the HARB process. Council discussed a process that could educate property owners as to the HARB requirements.

July 11, 2022

**Resolution No. 95** – Mrs. Jamieson mentioned that the LED sign request from 1412 Liberty Street did not receive the four affirmative or negative votes from HARB and therefore came to Council without a recommendation for approval or disapproval.

Mayor Baker was frustrated that Mr. Shawgo's previous requests for an LED sign were denied and a similar request from another business was approved at the same meeting as Mr. Shawgo's initial request. That said, Mayor Baker motioned to approve the LED sign request. Mr. Lyons seconded the motion, adding to apply the following conditions: that the sign only be lit Monday through Friday from 7 A.M. to 5 P.M. and not any brighter than the ambient lighting, that the sign will not contain animated pictures and will not change at less than ten-second intervals. Mr. Rudegeair mentioned that other LED sign owners have not been cooperative with the aforementioned restrictions and therefore, together with Mrs. Fletcher and Mr. Marshall, voted in opposition of the request. The motion to approve passed 4-3.

**CABLE FRANCHISE RENEWAL SERVICES – Resolution No. 96**

Mrs. Jamieson introduced a proposal from Cohen Law Group to assist with renewing the franchise agreement between Charter Communications (Spectrum) and the City. The proposal consists of five elements: (1) setting the priorities; (2) performing a franchise fee audit; (3) drafting a proposed agreement; (4) negotiating with the cable operator; and (5) reporting back to City Council. The total cost for both the renewal negotiations and the franchise fee audit is \$9,860. Mrs. Jamieson invited interested Council members to join the virtual preliminary meeting to discuss any residents' concerns and to better understand the City's authority under the federal Cable Act. Mr. Zahner noted he would like to see a better way for customers to return equipment to the cable provider.

Mr. Rudegeair motioned to approve entering into agreement with Cohen Law Group. Mr. Lyons seconded the motion, which passed unanimously.

**HOME GRANT RESOLUTION – Resolution No. 97**

Mrs. Jamieson asked Council to adopt a resolution to support Venango County as they pursue a \$600,000 HOME grant from DCED. If awarded, the County will equally split the requested amount between Franklin and Oil City in an effort to carry out owner-occupied home rehabilitations in both communities. Mrs. Jamieson mentioned that five homes in Franklin were substantially improved from the 2018 HOME grant.

Mr. Rudegeair moved and Mr. Lyons seconded the motion to approve the resolution. The motion passed unanimously.

**WEST PARK STREET EASEMENT REQUEST – Resolution No. 98**

Mrs. Jamieson stated that the new homeowner of 215 West Park Street, Mr. Huston, has discovered that his sewer lateral ties into his neighbor's, which could be problematic for both residents if either one has a clogged pipe. Mr. Huston engaged Hochstetler Carpentry LLC to do extensive renovations to the home and put the contractor in charge of the operations while Mr. Huston is in Florida.

Mrs. Jamieson explained that there are two options for separating Mr. Huston's sewer lateral from his neighbor's: (1) have a 4" sewer lateral bored between the sidewalk and the curb on

## Franklin City Council Minutes

July 11, 2022

West Park Street to tap into the sanitary sewer on Elk Street; or (2) to place the 4" lateral in a ditch that hugs the curb line on West Park Street. The contractor is aware that all surface and underground restoration would have to be completed to the satisfaction of the City, and sewer line tap-in to the sewer main would have to be completed to the satisfaction of the General Authority. Under either option, Attorney Greenfield would prepare an easement agreement defining the sewer line route and the homeowner's responsibilities.

Mr. Johnson motioned to approve drafting an easement agreement to be recorded at the Venango County Courthouse, and either of the two options described above, or any other option that the City staff deems most expedient, in accordance with the specifications required by the City and the General Authority. Mr. Rudegear seconded the motion, which passed unanimously.

### **ESTABLISH DATE FOR FY-2022 CDBG PUBLIC HEARING – Resolution No. 99**

Mrs. Jamieson requested Council approve setting the FY-2022 CDBG Public Hearing for August 1, 2022 at 7 P.M., immediately preceding the August City Council meeting.

Mr. Rudegear moved and Mr. Lyons seconded the motion to approve setting the CDBG FY-2022 preliminary public hearing for August 1, 2022 at 7 P.M. The motion passed unanimously.

### **PARK AND PARADE ASSEMBLY REQUESTS – Resolution No. 100**

1. July 11, 2022 through August 18, 2022 • Riverfront Park and various playgrounds  
• Summer Program Series • Venango County Substance Use Prevention
2. August 20, 2022 • Riverfront Park • Rock In River Fest • FFAC
3. September 8, 2022 • Bandstand Park • Annual Memorial Service • Venango VNA Foundation

Mr. Johnson motioned to approve all requests. Mr. Lyons seconded the motion, which passed unanimously.

## **REPORTS**

### **Manager –**

- Continued to discuss progress on the General Authority's Waterline Replacement Project. Stated that the trenches in each block will be covered with asphalt, once that block has all the new service lines installed. It will not be a final paving, as the sections of disturbed pavement will be milled and newly paved in the spring of 2023. The waterline construction portion of the project should be fully complete in September.
- Updated the progress on the Downtown Pedestrian Project. About six lights have been removed and, during drilling into foundations for the new anchor bolts, electric conduit was hit several times. The contractor, engineer and PennDOT are figuring out the best solution, including removing and replacing all of the pole foundations. Mrs. Jamieson

July 11, 2022

believed that there is enough grant money left over to cover any additional costs and that the project should still be able to be completed in September.

- Updated the progress on the Miller-Sibley Recreational Project. Project is mostly complete but, unfortunately, is already being vandalized. Several benches were pulled out of the asphalt, the arm of one bench was pulled off, and some of the players' bench shade canopies have been loosened. She further mentioned that bollards were removed so an adult ball player could park his truck on the pedestrian walkway which resulted in a phone call to the police. Mrs. Jamieson stated that the City is looking into pricing for high-quality camera system that will monitor and record activity in the park in order to prosecute all violators.
- Mrs. Jamieson discussed reminded City Council that, several years ago, Miller Park residents had requested that something be done to address the roads and storm sewer system in Miller Park. The roads in Miller Park are badly deteriorated and the brick lined gutters that were installed in the early 1900s are not effective for carrying storm water off of the roadways. With the General Authority preparing a project to replace a major water line on Sibley Avenue, which will also follow along Old Mercer Road to connect with a waterline that will tie into the 15<sup>th</sup> Street Pump Station, and with the General Authority also engineering for the future Combined Sewer Overflow project that may include areas of Miller Park, Mrs. Jamieson felt now is the time to consider how these projects could tie into the City needs of Miller Park. She informed Council that she has requested a cost from The EADS Group for a conceptual plan to include a phased approach to upgrading the stormwater system and repaving the streets in Miller Park, in concert with what the General Authority has planned. She hopes to have a proposal to discuss at the August meeting.
- Mrs. Jamieson shared with City Council that FICDA is requesting that the City consider allowing FICDA to include milling and paving the City's portion of Howard Street from 13<sup>th</sup> Street to about the end of The Caring Place's parking lot, along with their milling and paving project. FICDA has a grant to do their portion of the street. Mrs. Jamieson stated that this work does not qualify for CDBG funds and our Liquid Fuels funds are committed elsewhere, so FICDA offered to pay the costs upfront and then reduce the City's General Services fee for five years (about \$12,000 per year based off of last year's estimate of \$60,000). She indicated that a formal decision on this would be on the agenda for the August meeting.
- She reported that the two City vehicles that were auctioned off through 422 Auction Sales resulted in proceeds of \$11,885.
- Reminded Council that the summer picnic is Friday, July 29 at Miller-Sibley pavilion. Council agreed to close City Hall from 11 A.M. to 1 P.M. that day.
- Indicated that she had items for litigation and potential litigation for Executive Session.

**Solicitor –**

- Has items for Executive Session involving negotiation and litigation.
- Reported that he is working with Mr. Gibbons to make amendments to the zoning ordinance addressing Electronic Message Center signs, however this does not include

## Franklin City Council Minutes

July 11, 2022

design standards regarding the Historic District. That would have to come from HARB. He further explained the difference between an animated sign and changeable signs, as some were confused on that issue.

- Referred to the HARB meeting minutes where it was discussed that the Elks Club would like to create an enclosed smoking area on their front porch. He indicated this would not be permissible under the Clean Air Act since the club has already agreed to be a nonsmoking facility.
- Asked Council if they would like to adopt a municipal ordinance regarding use of consumer fireworks within City limits. All Council members were in favor so Mr. Spaid will try to have something drafted for discussion at either the August meeting or the October meeting, since he will be absent for the September meeting.

### **Mayor Appointments –**

Mayor Baker moved to make the following appointments:

- **Resolution No. 101** - Rick Beith to serve another term on the Shade Tree Commission, ending on June 4, 2027. The motion was seconded by Mr. Lyons, which passed unanimously.
- **Resolution No. 102** – Robert Bowen to serve another term on the Commission to Remember Our Heroes, ending July 12, 2025, and Reinaldo Santiago to serve another term on the Commission to Remember Our Heroes, ending July 12, 2025. Mr. Johnson seconded the motion, which passed unanimously.

### **COUNCIL REPORTS**

**Mayor Baker – None**

**Mrs. Fletcher –**

- Remarked that it is the second week for Taste of Talent and the crowds have been around 700 people each week.
- Thinks it would be a good idea to modify the bicycle ordinance to include regulating electric bikes as they are creating many safety concerns in town
- Would like real estate agents to make their clients more aware of the requirements for exterior improvements to homes in the Historic District.

**Mr. Johnson – Enjoyed Blues and BBQ festival**

**Mr. Marshall –**

- Received numerous complaints from Elk Street residents that there was a lack of communication to residents about the waterline project.
- Resident on Franklin Avenue messaged him and stated that there is an Air bnb on the street and didn't know if this was allowed. Mr. Spaid said that there is a space in the

## Franklin City Council Minutes

July 11, 2022

zoning code regarding “Short-Term Rentals” and that they must be owner-occupied. He continued to state that the City does not have any restrictions to parties nor is there a registration permit.

- Would like to get more feedback from the public regarding a leash law in the parks

**Mr. Lyons** – Pleased with the pool attendance

**Mr. Rudegear** –

- Concerned about residents who own a home in the Historic District being unaware of the HARB process.
- **Resolution No. 103** – Been in contact with Bridge Builders, Northwest Commission, DCNR and DCED about creating a walking trail to connect the Heights to the downtown. He would like Council to grant permission to apply for funding to have a feasibility study conducted in order to see if this would be a viable endeavor. He indicated that the 50% match requirement could come from another grant due in January. Mayor Baker felt that the steep incline would not be suitable for walking or biking, and that it is not feasible for City staff to maintain. Mrs. Jamieson was concerned about time constraints for grant submission of the August 1<sup>st</sup> deadline and stated that any DCNR grant will require maintaining handicapped accessibility and that may be an issue with washouts, especially where access is limited in the Heights. Mr. Rudegear further stated the study’s purpose would be to determine whether this would be feasible. Mr. Rudegear made the motion to submit an application for grant funds to assist with the costs of conducting a feasibility study. Mr. Marshall seconded the motion. Mayor Baker voted in opposition of the request. The motion passed 6-1.

**Mr. Zahner** –

- Took a tour of the FICDA complex and was very impressed
- Does not have appreciation for HARB because he does not feel homeowners should be told what to do with their property.

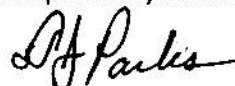
### **EXECUTIVE SESSION - Resolution No. 104**

Mr. Rudegear motioned to enter into executive session at 8:27 P.M. for the purposes of litigation, potential litigation, and negotiations. Mr. Marshall seconded. The motion passed unanimously.

### **ADJOURNMENT**

There being no further business to come before the Council, the meeting was adjourned at 9:04 PM.

Respectfully submitted,



T.J. Parks, Recording Secretary