

APRIL 17, 2017

**CALL TO ORDER**

The regular monthly Council meeting of the City of Saint Marys was called to order by Mayor Robert Howard on Monday, April 17, 2017 at 7:00 p.m. The meeting was held in the Council Room of City Hall, 11 LaFayette Street. Notice of this meeting was sent to Council on April 13, 2017, posted at City Hall and published in the Daily Press.

**PLEDGE TO THE FLAG****ROLL CALL**

Present: Mayor Robert Howard, Gregory Gebauer, Gary Anderson, Andrew Mohney, Bob Mohr, Lou Radkowski, Nedward Jacob, Manager Timothy Pearson and Solicitor Tom Wagner.

**VISITORS**

Visitors included: Carol Schloder, Allan Groll, James Groll, Anita Groll, Dino Dinsmore, Justine Crissman, Tom Coppolo, Sam DeLullo, Lexie DeLullo, Warren Stewart, Richard Sadley, Dan Challingsworth, Jessica Hoffman, Eric Groll, Sam Shefcyk, Amy Cherry, Joanne Seltzer, Valerie Hostel, Katie Weidenboerner and David Larkin.

**APPROVAL OF MINUTES**  
April 3, 2017

Lou Radkowski made a motion to approve the minutes of April 3, 2017, seconded by Andrew Mohney and all were in favor, except Gregory Gebauer and Gary Anderson who abstained.

**REPORT ON EXECUTIVE SESSION:**

Mayor Howard stated an Executive Session was held on April 3, 2017 regarding real estate matters and immediately prior to tonight's meeting regarding legal matters. No decisions were made.

**PUBLIC HEARING: Inter-Municipal Liquor License Transfer for Market Street Saloon**

Mayor Howard stated a public hearing was being held for the inter-municipal liquor license transfer for the Market Street Saloon.

**Opened Hearing at 7:01 p.m.**

Mayor Howard opened the public hearing at 7:01p.m.

**Public Comments**

Dino Dinsmore, owner of Dino's Place, stated he opposed the transfer. He provided the following information:

The average age of a resident of St. Marys is 45. National average is 37. There are 1551 in the (21-35) year old age bracket which is the target age to go to bars and restaurants and clubs. There are currently 16 bars, 8 clubs and 2 distributors, 1 brewery and 1 state store. (Total of 28). PLCB has a quota system of 1 license per 3,000 people, which would equal less than 5 for St. Marys. Some are grandfathered in from a long time ago and no new licenses have been issued in the last forty years that he was aware of. He did not oppose anyone buying an existing license within St. Marys and would support it, but he believed (the City) could not handle a new one from another town. He also provided his statistics in a decline in his beer and whiskey sales, but an increase in food sales which did not offset the deficit. He believed, for various factors, people do not go out to drink anymore. He stated he represented the other licensees' and his 13 employees.

Attorney Tom Coppolo, explained he was in attendance on behalf of Mr. Groll who had originated this request to Council. He stated he would not disagree with the information/facts presented by Mr. Dinsmore, since he has not looked into those facts previously stated and he stated he believed the facts

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presented were not relevant to the decision being made at tonight's meeting. He stated this is not a decision whether or not Mr. Groll is making a good or a bad business decision. He suggested Mr. Dinsmore could call Mr. Groll and tell him he believed he was making a bad choice and provide him the details of what happened with his own business. He questioned if, for the sake of argument, Gunner's bar/restaurant has increased liquor sales in the past 5 years, does that mean Mr. Dinsmore's argument is still good? He stated it is not an issue of whether (the City) is legislating people making good or bad business decisions and he believed everyone has a right to take their "shot" at it. The PLCB establishes a specific procedure to bring a license in from another municipality and that is what decision being rendered tonight. It is possible the PLCB could deny the application, even after Council's consent. He disagreed with Mr. Dinsmore's statement that there has not been a change in liquor license number in the past forty years. That statement was incorrect, since Olympic Lanes brought their liquor license in from Kersey in approximately 2015, which Council had approved. It was then sent to PLCB and approved. The quota of 1 per 3000 is preset and the PLCB has the discretion to increase that number. There was previously a bar adjacent to the proposed location of the Market Street Saloon. This is a business coming into the downtown that will attempt to generate new revenue, have new employees and will take a building in need of repair and renovate it. The impact to St. Marys is positive not negative. He stated what impact to one employee or one business owner was not a decision of Council. On behalf of Mr. Groll, he respectfully asked that Council give their consent to the request to bring a liquor license to St. Marys.

**Closed Public Hearing at 7:11 p.m.**

Mayor Howard closed the public hearing at 7:11 p.m.

**PROCLAMATION: Arbor Day 2017**

Mayor Howard read and declared Thursday, April 27<sup>th</sup>, 2017 as Arbor Day in the City of St. Marys. The Proclamation was then presented to David Larkin, Chairperson of the Shade Tree Commission. Mr. Larkin distributed invitations to Council members for the Arbor Day activities.

**CITIZEN COMMENTS ON AGENDA TOPICS**

There were no comments on agenda topics.

**MAYOR'S REPORT**

Mayor Howard reported he continues to work with the Bootjack Hill bypass 30-year Recognition Committee.

**MANAGER'S REPORT**

Manager Pearson reminded residents of the upcoming Clean-Up Day. Details will be announced in a press release.

**SOLICITOR'S REPORT**

The Solicitor had nothing to report.

**TREASURER'S REPORT**

Manager Pearson provided the following Treasurer's Report as of March 31, 2017:

The City was at the end of the first quarter of 2017 and had collected 23 percent of revenue and expensed 22 percent of the budget for the General Fund. Last year at this time, the City received in revenue, 21 percent of budget for the General Fund and spent 20 percent of its budget. This year, the City had collected 28 percent of its budgeted amount for Earned Income and 22 percent for Real Estate taxes. Last year, the

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City collected 27 percent of budget for Earned Income and 20 percent for Real Estate taxes. In 2015, the City collected 27 percent in Earned Income and 16 percent in Real Estate taxes. The Sewage Treatment Fund collected 21 percent of revenue budgeted and expensed 15 percent. In 2016, revenue was at 22 percent and expenditures were 14 percent and for 2015, revenue was 21 percent and expenditures were 13 percent of budget. As of March 31 2017, sewer charges breakdown was: base rate charges were 25 percent of budget, consumption charges were at 23 percent and sewer charges for I & I services were at 25 percent of budget. In March, the City received \$479,903 from the PA Commonwealth for the Liquid Fuels Tax allocation. \$218,307 will be used for the two street improvement loans and the balance will be used to reimburse the General Fund for salt and stone.

Councilman Jacob requested an explanation of the Sewer Fund balance and Manager Pearson responded he would obtain that for him.

**LEGISLATIVE ACTION:****Consider for adoption:**

Ordinance No. 301, re:  
Amending Chapter 21, Part 5 of  
the City Code, relating to snow  
and ice removal on City  
sidewalks  
Motion

Ordinance No. 301, re: Amending Chapter 21, Part 5 of the City Code, relating to snow and ice removal on City sidewalks was presented for adoption. The ordinance was duly advertised and displayed.

Bob Mohr made a motion to adopt Ordinance No. 301, seconded by Gary Anderson.

Discussion

Council, the Solicitor and the Manager discussed the current issues with the enforcement of ordinances. It was determined this was the first step in the process of developing a system for better enforcement.

Roll Call Vote – Motion Passed

On a roll call vote, all were in favor to adopt Ordinance No. 301. Motion passed.

Ordinance No. 302, re:  
Amending City Code regarding  
the regulations of Outdoor Fires  
Ordinance No. 303, re: Revising  
the definition of leaf waste  
under the Curbside Recycling  
Ordinance

Ordinance No. 302, re: Amending City Code regarding the regulations of Outdoor Fires and  
Ordinance No. 303, re: Revising the definition of leaf waste under the Curbside Recycling Ordinance.

Both ordinances were duly advertised and displayed and presented for adoption.

Motion Passed

Gary Anderson made a motion to adopt Ordinance 302 and Ordinance 303, seconded by Lou Radkowski and all were in favor.

Resolution No. 17-07, re:  
Approving transfer of restaurant  
liquor license, License No. R-  
10702 into the City of St. Marys  
from the Borough of Ridgway  
Motion

Resolution No. 17-07, re: Approving transfer of restaurant liquor license, License No. R-10702 into the City of St. Marys from the Borough of Ridgway.

Lou Radkowski made a motion to adopt Resolution No. 17-07, seconded by Andrew Mohney.

Comment

Nedward Jacob stated his difficulty with voting on the matter.

Roll Call Vote – Motion Passed

On a roll call vote all were in favor to adopt Resolution No. 17-07. Motion passed.

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Subdivision Applications:  
2017-06 - Timothy and Donna  
Wehler, 1557 Rosely Road

Subdivision 2017-06 from Timothy and Donna Wehler, for property located at 1557 Rosely Road, was presented for approval. The subdivision proposed to subdivide a 28.44 acre lot, Lot 1, from a 52.217 acre parcel as a non-building lot. The new lot will be used for agriculture and is accessed via a 25 foot private ROW. The residual parcel contains an existing single family dwelling and garage. No new building lots will be created as a result of this subdivision. The Zoning Hearing Board approved the variances required for this subdivision at its meeting on March 15, 2017. The Planning Commission had no comments on the subdivision.

Motion Passed

Gary Anderson made a motion to approve the subdivision application, seconded by Lou Radkowski and all were in favor.

2017-08 - North Central  
Enterprises, Central Street

Subdivision 2017-08 from North Central Enterprises, for property located at Central Street. This subdivision proposes to subdivide an 8,816 square foot lot, 2R.2 from a 24,838 square foot parcel to align the property line with an interior wall of a building. The applicant received Zoning Hearing Board approval for the subdivision on January 20, 2016. The Planning Commission commented that each building has its own interior wall, and the property line is between these walls.

Motion

Gary Anderson made a motion to approve the subdivision application, seconded by Lou Radkowski.

Discussion

Nedward Jacob questioned if this was within the 100-year floodplain and Manager Pearson responded he did not have a map with that information on it, but no new buildings were being proposed, which was not allowed.

Nedward Jacob expressed his concerns with businesses in a known 100 year flood plain.

There was a brief side discussion between the Solicitor and Nedward Jacob.

Motion Passed

All were in favor to approve the subdivision application, except Nedward Jacob, who opposed.

Land Development Application:  
2017-09 – Muccio School  
Transportation, 74 Ceramic  
Street

Land Development Application: 2017-09 from Muccio School Transportation, for property located at 74 Ceramic Street was presented for approval. The Land Development proposed construction of a 3,960 square foot bus garage and office with parking lot for the storage of school buses. Applicant received zoning approval for the use on July 13, 2016. Parking lot is proposed to be gravel. Public utilities are available. No stormwater management is required. The position of the building was slightly altered from the previous submittal. The Planning Commission had no comments on the land development.

Motion

Lou Radkowski made a motion to approve the land development application, seconded by Gary Anderson.

Discussion

Gregory Gebauer questioned if this was in the Stackpole Complex and Manager Pearson responded it was just outside of it, but in the same area.

Motion Passed

All were in favor to approve the land development application.

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**TOPICS FOR DISCUSSION:**  
(added to agenda) Zito Media

Gregory Gebauer made a motion to add Zito Media to Topics for discussion seconded by Nedward Jacob, and all were in favor.

Gregory Gebauer explained there have been on going issues with the broadcast of the Council meetings for months and he believed the Zito Media contract stated it was a requirement to provide the broadcast. He questioned if the Solicitor could draft a letter to Zito Media to address this issue.

Solicitor Wagner commented this issues wouldn't be a breach of contract but it was a significant issue.

Manager Pearson commented the digital broadcast was having the issue, the analog was working.

Motion passed

Gregory Gebauer made a motion to have the Solicitor draft a letter to Zito Media cable company addressing the issue of the feed (signal) coming out of City Hall for viewing the Council meetings, seconded by Bob Mohr and all were in favor.

**CITIZEN COMMENTS ON  
NON-AGENDA TOPICS**

There were no citizen comments on non-agenda topics.

**COUNCIL COMMENTS**

Councilman Mohr requested a floodplain update and Manager Pearson responded he was still working on the update.

Gary Anderson commented the approval of Ordinance 302 was a good recognition that the City was a rural community, now with a distinction between the rural conservation districts and the downtown areas.

Gary Anderson also commented the sewer consumption charges were down 2 percent this quarter and may cause an issue in the future.

Manager Pearson agreed and was already looking into the matter.

Nedward Jacob stated he disagreed with the base rate charge per each water meter and believed each unit should be charged a base rate.

Manager Pearson stated agreed the sewer rate structure needed to be fair, but generate enough revenue.

Solicitor Wagner explained generally the base rate should cover the fixed costs, consumption should cover operating costs of the facilities, which is contained in the Municipal Authorities Act.

**ANNOUNCEMENTS**

Mayor Howard made the following announcements:

- The next Council worksession will be held Monday, May 1, 2017, at 7:00 p.m. at City Hall.

**ADJOURNMENT**

Gary Anderson made a motion to adjourn the meeting. Meeting adjourned at 8:00 p.m.

  
Recording Secretary

  
Mayor