

JULY 17, 2017

CALL TO ORDER

The regular monthly Council meeting of the City of Saint Marys was called to order by Deputy Mayor Gregory Gebauer on Monday, July 19, 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 July 13, 2017, posted at City Hall and published in the Daily Press.

PLEDGE TO THE FLAG**ROLL CALL**

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

VISITORS

Visitors included: Jerry Bonfardine, Randy Simbeck, Amy Cherry, John Schatz, Christie Greenawalt, Paula Weyant, and Chris Pletcher.

APPROVAL OF MINUTES
June 19, 2017

Gary Anderson made a motion to approve the minutes of June 19, 2017, seconded by Nedward Jacob and all were in favor.

REPORT ON EXECUTIVE SESSION:

Deputy Mayor Gebauer stated an Executive Session was held immediately following Council's June 19th, 2017 meeting regarding real estate matters. No decisions were made.

PUBLIC HEARING:
Amending the City Zoning Map

Deputy Mayor Gebauer stated a public hearing was being held tonight to consider amending the City Zoning Map.

Hearing Opened at 7:01 p.m.

Matthew Pfeufer, Zoning Officer, explained the City of St. Marys has received a request to re-zone 40.921 acres of property at 208 Clay Road owned by Marc Nero. The proposal is to re-zone from Rural Conservation to Industrial for future business expansion. The rezoning of property must be done via ordinance, as it is an amendment to the City's Zoning Ordinance. The petition has been revised per the Planning Commission's comments and it recommended approval of the application. The amendment was sent to the Elk County Planning Department, and it had no comments on the petition. The proposed amendment and public hearing was advertised in the Daily Press and the property was posted.

Public Comment: There was no public comment.

Council Comments:

Nedward Jacob questioned if the applicant had gone to the Zoning Hearing Board to request a variance and Mr. Pfeufer responded the current business was located on property already zoned as industrial. The current zoning map designates industrial zoning from a set distance from SR 120. This property lies within the industrial and rural conservation zoning districts and the applicant is requesting an additional 40.921 acres to be re-zoned as industrial.

Deputy Mayor Gebauer questioned if that was for future industrial development and Mr. Pfeufer responded yes.

Nedward Jacob questioned why the applicant could not just go to the Zoning Hearing Board and request a variance instead of Council changing the zoning and Mr. Pfeufer responded use variances should not be approved unless the applicant can

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justify that they cannot develop that type of use on any other property within the City.

Solicitor Wagner expanded on Mr. Pfeufer's response by stating in order to get a variance one has to demonstrate that there is an unnecessary hardship in applying the existing regulations to that property. It is a very heavy standard to get over and sometimes it is not applied strictly by the Zoning Hearing Board as it should be. If there is a dispute with neighbors over a planned use of the property and a request for a variance then the Zoning Hearing Board will apply the standards very strictly. From a Planning perspective, it is not a good idea to have uses determined by variances and this property is indeed industrial property, if indeed development in that area is heading in a direction of industrial uses. Then again, from a planning perspective, it makes sense to zone the property industrial, particularly when the property owner is applying for that type of use.

Nedward Jacob commented when he asked the applicant during the conditional use application hearing for mining what he intended to do with the property; it was not mentioned about expansion of the industry there. He questioned what type of industry was being planned for the property and Solicitor Wagner responded that was not for the City to say.

Nedward Jacob wanted to know what the applicants plans were for the property and Solicitor Wagner responded he could market the property and sell it for industrial use or he could use it for himself. Most of the adjacent land was already used as industrial.

Deputy Mayor Gebauer wanted to clarify that the applicant owned the property and Mr. Pfeufer responded yes to the best of his knowledge by the evidence that was presented.

Hearing Closed at 7:07 p.m.

Deputy Mayor Gebauer stated Ordinance No. 305 regarding amending the City's Zoning Map was being presented for adoption.

Lou Radkowski made a motion to adopt Ordinance No. 305 amending the City's Zoning Map, seconded by Andrew Mohney.

LEGISLATIVE ACTION:
Consider for adoption:
Ordinance No. 305, re:
Amending the City's Zoning
Map

Roll Call Vote – Motion Passed

On a roll call vote all were in favor except Nedward Jacob who voted in the negative. Motion Passed 5 to 1.

**CITIZEN COMMENTS ON
AGENDA TOPICS**

There were no comments on agenda topics.

MAYOR'S REPORT

There was no Mayor's Report available.

MANAGER'S REPORT

Manager Pearson provided the following report:

- Update of flooding issues- Met with the Corp of Engineers via phone conference with the Colonel and Planning Department. Discussed options, the application process and programs and site survey. Corp was provided the flood migration study. Further discussion will be necessary during the next budget cycle and possible cost share programs.

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- Reminder of the 175th Anniversary parade to be held on September 16th, 2017 at 11:00 a.m.
- Airport Committee members, Councilmen Mohr and Jacob along with the Manager met with the Airport Authority. The meeting discussed the future plans of the Airport and was very positive.

SOLICITOR'S REPORT

Solicitor Wagner reported he had received and was reviewing the Seneca Resources brief regarding the Zoning appeal. The brief contained references to topics already discussed and litigated and he was hopeful things will go well at the next level of this process.

TREASURER'S REPORT

Manager Pearson provided the following Treasurer's Report as of June 30, 2017:

June was the half way mark for the City. Total revenue collected for the General Fund was \$4.15 million or 63 percent of budget. Last year the City collected \$5.1 million or 81 percent of budget and for 2015, revenue collected was \$4 million or 54 percent of budget. Total Expenditures for the General Fund was at \$2.54 million or 39 percent of budget. Last year Expenditures were \$2.5 million or 40 percent of budget and for 2015 Expenditures were \$2.5 million or 33 percent budget. Total real estate taxes collected was 93 percent of budget and 94 percent last year. Earned Income collected was 54 percent of budget and 53 percent for last year. EMS tax or Local Services tax the City collected 47 percent of budget for this year and 54 percent last year. The market value of the Pension Plans increased by 9 percent since last year as of June 30, 2016 and the plan decreased 3 percent compared to June 30, 2015.

Deputy Gebauer requested an update on the HOMES program and Manager Pearson responded the State was not accepting applications at this time but it was anticipated they would sometime in September. He would keep Council updated.

Nedward Jacob questioned if the City should hire someone for the HOMES program if the City does not receive the program and Manager Pearson responded proposed position was a "Community Services Specialist" and would handle the HOMES program and have other duties.

LEGISLATIVE ACTION:

Request from Chamber of Commerce, re: "Wing Fling"

Paula Weyant from the Chamber of Commerce presented the following requests for the 2017 Annual Wing Fling" to be held Friday, August 18, 2017.

Waiver of the Open Container Law from 5:00 p.m. until 10:00 p.m. (no glass containers allowed) in the Market Street parking lot and a designated area on Market Street.

Closing the municipal parking lot between Market Street and South St. Marys Street from 5:00 p.m. on Thursday, August 17th, 2017 until 10:00 p.m. on Friday, August 18th, 2017 and a designated area of Market Street from 1:00 p.m. until 10:00 p.m. on Friday, August 18th, 2017.

The installation of the tent in the parking lot will be reviewed in the future, due to the anticipated paving of the parking lot.

Motion Passed

Bob Mohr made a motion to approve the above requests for

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the 2017 Wing Fling, seconded by Gary Anderson and all were in favor, except Andrew Mohny who abstained.

Award of Bid: 2017
Resurfacing Bid (Base Repair)

Manager Pearson explained this bid was really a base repair bid not a resurfacing bid. On Friday, June 16 bids were opened for City paving projects for 2017. The results of the bid was as follows:

New Enterprise - \$345,650.90
IA Construction - \$384,340.02
G.O. Hawbaker - \$389,979.80

It was recommended the bid be awarded to New Enterprise for a total bid price of \$250,194.75. This price showed removal of several streets in order to bring the bid within the budgeted amount of \$260,000.00.

Manager Pearson clarified as part of the City's five year plan the following streets and/or portions of streets would have base repair performed as a mill and fill process for future resurfacing:

East Mill St., Poplar Rd., East Kaul Ave., High Avenue, Chestnut St., Darr St., Kaul Avenue, and John St.

Motion Passed

Nedward Jacob made a motion to award the resurfacing/base repair bid of \$250,194.75 to New Enterprise, seconded by Gary Anderson and all were in favor.

Subdivision Applications:
2017-18 Daniel & Donna
Florio, Aumadel Road

2017-18 subdivision application was presented for Daniel and Donna Florio for property located on Aumadel Road. The subdivision proposed to subdivide a 1.702 acre parcel with two existing buildings on it into two lots each with a building. Lot 1 is 0.929 acres and contains an existing machine shop and is accessed via a 50 foot wide private right-of-way. The residual parcel is 0.673 acres and contains a machine shop. The applicant received variances from the zoning hearing board on March 15, 2017 for minimum lot sizes and side setbacks for the existing buildings. The buildings are serviced by public water and sewage. No new building lots will be created as a result of this subdivision. The Planning Commission had no comments on the subdivision and recommended approval.

Motion Passed

Nedward Jacob made a motion to approve 2017-18 Florio subdivision application, seconded by Lou Radkowski and all were in favor.

2017-19 Alice DeStephano,
Rosely Road

2017-19 subdivision application was presented for Alice DeStephano for property located on Rosely Road. The subdivision proposed to subdivide a 10.00 acre parcel as a stand-alone lot to be purchased by an adjoining property owner. The residual parcel is 71.92 acres and contains an existing single family dwelling with public water and onlot sewage disposal. The entire parcel is not shown on the map, but was surveyed. The Planning Commission had no comments on the subdivision and recommended approval.

Motion Passed

Bob Mohr made a motion to approve 2017-19 DeStephano subdivision application, seconded by Gary Anderson and all were in favor.

TOPICS FOR DISCUSSION: There were no topics for discussion.

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**CITIZEN COMMENTS ON
NON-AGENDA TOPICS**

Jerry Bonfardine and Randy Simbeck representatives of the St. Marys Burial Detail described issues with safety and respect for the detail as they performed their ceremony at funerals.

The Manager will discuss the matter with the Police Chief.

COUNCIL COMMENTS

Councilmen, Mohr and Radkowski thanked the Recreation Board and the Little League for a job well done during the recent tournament at Memorial Park.

Councilman Mohr described an area at the North St. Marys Street entrance to the park that need filled in.

Councilman Mohny described a garbage and weed issue at the park.

Councilman Mohr commented the local hotels were filled to capacity.

Manager Pearson commented if anyone has an issue at the parks, please let the City know and it will get taken care of.

Manager Pearson also commented a pilot program from the Office of Vocational Rehabilitation thru the State was started this year for park employees and he believed it was a good program.

ANNOUNCEMENTS

Deputy Mayor Gebauer made the following announcements:

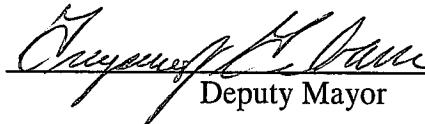
- Council's next worksession will be held on Monday, August 7, 2017, at 7:00 p.m. at City Hall.

ADJOURNMENT

Gary Anderson made a motion to adjourn the meeting. Meeting adjourned at 7:45 p.m.



Recording Secretary



Deputy Mayor