

CITY OF SAINT MARYS COUNCIL WORKSESSION

NOVEMBER 2, 2015

CALL TO ORDER

A Council worksession of the City of Saint Marys was called to order by Mayor Robert Howard on Monday, November 2, 2015 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 October 29, 2015, posted at City Hall, and published in the Daily Press.

PLEDGE TO THE FLAG**ROLL CALL**

Present: Mayor Robert Howard, Gregory Gebauer, Nedward Jacob, Gary Anderson, Lou Radkowski, Sally Geyer, Bob Mohr, Manager Timothy Pearson. Solicitor Thomas Wagner was excused.

VISITORS

Visitors included: Warren Stewart, Tim Ruffner, Amy Cherry, Sam DeLullo, Katie Weidenboerner, Richard Sadley, Tina Gradizzi and Mason Catalone.

APPROVAL OF MINUTES

October 19, 2015
Motion Passed

Sally Geyer made a motion to approve the minutes of October 19, 2015, seconded by Gary Anderson and all were in favor.

REPORT ON EXECUTIVE SESSION:

Mayor Howard stated an Executive Session was held immediately following Council's last meeting on October 19th, 2015 regarding personnel matters. No decisions were made.

ADDITIONAL TOPICS FOR DISCUSSION:

Bob Mohr requested letter B. Lawns and grass trimming
Gregory Gebauer requested item C. Zito Media

Gregory Gebauer made a motion to add the above items to topics for discussion, seconded by Sally Geyer and all were in favor.

Sally Geyer requested the Mayor to ask the Solicitor to send the revised draft of the proposed Oil & Gas ordinance to members of Council for their review so the ordinance can be considered for publication as soon as possible.

CITIZEN COMMENTS ON AGENDA TOPICS

There were no citizen comments on agenda topics.

LEGISLATIVE ACTION:**Consider for adoption:**

Ordinance No. 294, re:
Authorizing increasing the indebtedness of the City by the issue of a general obligation note in the amount of one million dollars.

Ordinance No. 294, regarding authorizing increasing the indebtedness of the City by the issue of a general obligation note in the amount of one million dollars for sundry purposed, fixing the form, number, date, interest, and maturity thereof; making a covenant for the payment of the debt service on the note; providing for the filing of the required document; providing for the appointment of a sinking fund depository for the note; and authorizing execution, sale and delivery thereof.

Manager Pearson explained the ordinance was the next step in the process of obtaining the PIB loan which the funds were designated for the paving of City streets.

Motion Passed

Gary Anderson made a motion to adopt Ordinance No. 294, seconded by Sally Geyer and all were in favor.

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Golf Authority Authorization (Item removed from agenda)	Manager Pearson requested the item be removed from tonight's agenda and moved to the next Council meeting agenda.
Motion Passed	Lou Radkowski made a motion to approve the above request, seconded by Bob Mohr and all were in favor.
LERTA Application: Metco Industries, 1241 Bruxelles Street	Metco Industries had submitted an application to the City of St. Marys in regards to the Local Economic Revitalization Act (LERTA) Program for 38,500 square feet of additions to an existing industrial building located at 1241 Bruxelles Street. The request has been approved by the school district and the county assessment office.
Motion Passed	Nedward Jacob made a motion to approve the Metco Industries LERTA application, seconded by Sally Geyer and all were in favor.
Land Development Applications: Charter Central LLC (Taco Bell), 911 South St. Marys Street	A land development application was presented from Charter Central, LLC (Taco Bell) located at 911 South St. Marys Street. The applicant proposed to demolish an existing restaurant and construct a new 2,700 square foot fast food restaurant with a drive-thru and associated parking lot. The site will be completely renovated with a new design. The new proposal will reduce the amount of impervious area, so no stormwater management plan is required. A variance and special exception were received from the Zoning Hearing Board on April 15, 2015 for an access drive setback on the north side of the property. The Planning Commission will review the land development plan on November 3, 2015.
Motion	Sally Geyer made a motion to approve the land development application from Charter Central, LLC, seconded by Gary Anderson.
Discussion	<p>Sally Geyer questioned if Council can approve the application before the review of the Planning Commission and Manager Pearson responded the Planning Commission agreed to have Council approve the application before their review due to a timing issue. If the Planning Commission determines any issues the application will be brought back to Council.</p> <p>Lou Radkowski questioned if the motion should be amended to state Council's approval contingent upon the review of the Planning Commission and Bob Mohr responded that was correct.</p>
Motion withdrawn and restated	Motion was withdrawn and restated.
Motion Passed	Sally Geyer made a motion to approve the land development application from Charter Central, LLC (Taco Bell) contingent upon the review of the Planning Commission at their meeting tomorrow night (Tuesday, November 3, 2015), seconded by Gary Anderson and all were in favor.
Really TLC, LLC (Phoenix Rehabilitation), 572-586 South St. Marys Street	A land development application was presented from Really TLC, LLC (Phoenix Rehabilitation) for property located at 572-586 South St. Marys Street. The applicant proposed to construct a 4,607 square foot commercial building and

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associated parking lot. The applicant was requesting a waiver of the stormwater management ordinance for an overage of 336 square feet of sidewalk. Zoning approval was received March 4, 2015 through the issuance of a use variance. The property owner was assuming responsibility of cleaning, maintenance, repair, reconstruction and replacement of the 48 inch stormwater sewer pipe that transcends the property through a signed agreement that will be an encumbrance on the property deed. The execution of the agreement would be a condition upon receiving land development approval. The Planning Commission will review the land development plan on November 3, 2015.

Council discussed their concerns with Manager Pearson and Mr. Pfeufer regarding the placement, maintenance or replacement of the stormwater sewer pipe in the future and that the sewer pipe was connected to the public stormwater system.

Motion

Sally Geyer made a motion to approve the land development application as stated with the applicant knowing the risks and accepting the risks and contingent upon Planning Commission not finding any problems, seconded by Gregory Gebauer.

Discussion

Gregory Gebauer questioned what if the Planning Commission has issues with the application and Manager Pearson responded, then the application would come back to Council.

Lou Radkowski questioned if this would be an issue caught at the Planning Commission phase of the review and questions could be raised and Bob Mohr responded yes.

Re- stating the motion

Sally Geyer made a motion to approve the land development application as stated and upon the contingency the Planning Commission review it at their next meeting tomorrow night and they find no other problems, seconded by Gregory Gebauer.

Discussion and Clarification

Matthew Pfeufer stated if Council wants the agreement in place it should be part of the motion.

Manager Pearson agreed and clarified approval should also be contingent upon the signing of the agreement which was stated in the previous motion 'as stated'. (contained in the first paragraph)

Sally Geyer further clarified the applicant was going to assume the risk and if there were no problems found after the review by the Planning Commission.

Bob Mohr questioned if the building and parking lot could be reversed and Manager Pearson responded since the pipe runs across the property diagonally and could not be avoided the placement of the buildings and parking area would not be relevant.

Roll Call Vote- Motion Passed

On a roll call vote all were in favor, except Nedward Jacob who voted in the negative.

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TOPICS FOR DISCUSSION:
Outdoor Burning Ordinance
Revisions

Matthew Pfeufer, Zoning Officer/Code Enforcement Officer explained as he was requested at the last Council meeting he had made the revisions regarding outdoor burning.

Nedward Jacob questioned the allowable times of burning a contained fire and an un-contained fire.

After some discussion it was determined to leave the time constraints as is.

Gregory Gebauer requested under the definition section of a contained fire, add "fire ring".

Gary Anderson clarified the exception for uncontained fires within the Rural Conservation (RC) Zoning Districts was added, which he requested.

Lawn and Grass Trimming
(added to agenda)

Bob Mohr suggested to lower the length of grass from 12 inches to 6 inches to be considered a code violation and also to hold the realtors that list the properties that are in violation responsible.

Council, Manager Pearson and Mr. Pfeufer discussed the suggestions and it was determined the Manager and Mr. Pfeufer review the information and bring back their suggested revisions to the ordinance regarding grass mowing.

Zito Media (added to agenda)

Gregory Gebauer requested the Zito Media agreement contain the installation of fiber optics for City Hall as a requirement.

Nedward Jacob stated he had already requested the Solicitor notify Zito Media of the requirement before the agreement is signed.

Manager Pearson confirmed the fiber optic installation was only for City Hall to improve the broadcast of the Council meetings.

It was noted the live streaming of the Council meeting online provided better quality of picture and sound which implied a good signal going out of City Hall from Salter Communications.

**CITIZEN COMMENTS ON
NON-AGENDA TOPICS**

There were no citizen's comments on non-agenda topics.

COUNCIL COMMENTS
Councilman Radkowski

Councilman Radkowski commented tomorrow was Election Day and encouraged everyone to vote. He stated the search for a new supermarket was ongoing. He provided an update on the Rural Community College Board which was formed to improve the education opportunities for residents of Elk County.

Councilman Jacob

Councilman Jacob commented he had received positive and negative comments regarding the ongoing paving project but suggested waiting until the project was complete to assess it.

Councilwoman Geyer

Councilwoman Geyer also encouraged everyone to go out and vote. She also suggested in the future a central location be considered for "Trick or Treat".

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ANNOUNCEMENTS

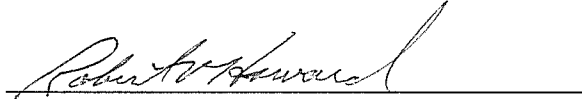
Mayor Howard made the following announcements:

- The next Council meeting will be Monday, November 16, 2015 at 7:00 p.m. at City Hall.
- Budget Workshops will be held on November 5th, November 9th and if necessary, November 12th. All meetings will begin at 6:00 p.m. in the Council Room at City Hall.

ADJOURNMENT

Gary Anderson made a motion to adjourn the meeting. Meeting adjourned at 7:59 p.m.


Recording Secretary


Mayor