

APRIL 16, 2012

**CALL TO ORDER**

The regular monthly Council meeting of the City of Saint Marys was called to order by Mayor Sally Geyer on Monday, April 16, 2012 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 12, 2012, posted at City Hall and published in the Daily Press.

**PLEDGE TO THE FLAG**

**ROLL CALL**

Present: Mayor Sally Geyer, Daniel Hepner, Richard Dornisch, Bob Roberts Nedward Jacob, Gregory Gebauer, Gary Anderson, Manager David Greene and Solicitor Thomas Wagner.

**VISITORS**

Visitors included: Kathy Herzing, Warren Stewart, Steve and Yvonne Michuck, and Carl and Helen Green.

**APPROVAL OF MINUTES**

April 2, 2012

Bob Roberts made a motion to approve the minutes of April 2, 2012, seconded by Daniel Hepner and all were in favor, except Gregory Gebauer who abstained.

**REPORT ON EXECUTIVE SESSION:**

Mayor Geyer stated there was an Executive Session held prior to tonight's meeting regarding personnel and legal matters. No decisions were made.

**CITIZEN COMMENTS ON AGENDA TOPICS**

There were no citizen comments on agenda topics.

**MANAGER'S REPORT**

March 19- Met with Sean Gabler and Joe Trimarchi from First Commonwealth Bank to review services that First Commonwealth can provide to the City.

March 19- Attended the ribbon cutting ceremony for the new Elk County 911 Center in Ridgway.

March 20- Attended a meeting of the West Creek Rail Trail Association held here in St. Marys.

March 22- Attended a Comprehensive Economic Development Strategy (CEDS) meeting held at the North Central offices in Ridgway.

March 28- Lorrie Levenduski and I met with Bob Ayoob from Thomas and Williamson to update him on the Parking Garage construction.

March 28- Attended a St. Marys Soccer Association meeting held at the CEC building on Erie Ave.

April 3- Councilperson Roberts and I attended the PLCM regional meeting held in Franklin Pa.

April 10- Attended a meeting at North Central Regional Planning to discuss the new Hotel planned for St. Marys.

April 12- Travis, Tim and I met with representatives from PennDOT to discuss the South St. Marys Street project.

## CITY OF SAINT MARYS REGULAR COUNCIL MEETING

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**DISCUSSION REGARDING  
MANAGERS REPORT**

Mayor Geyer asked if the Soccer players had someplace to play this year and Manager Greene responded yes, but they were working on a location for the future.

Richard Dornisch questioned since the Marcellus Shale industry "bubble has broken" did North Central have a definite plan for the hotel and Manager Greene responded North Central is the RACP Grant administrator and a consultant has already been assigned to the grant for the hotel. The funding has also been approved and should be committed within 60 days of March 1<sup>st</sup>, 2012. Councilman Dornisch questioned what the hotel chain was and Manager Greene responded a Hampton Inn.

Nedward Jacob asked who would own the building and Manager Greene responded the developer, Mr. Yoder managed by St. Marys Hospitality, LLC.

Mayor Geyer questioned how Mr. Yoder could obtain financial approval for another project and Manager Greene responded each project financially stands on its own.

Daniel Hepner commented the previous letter that Council had reviewed stated the funding was now guaranteed and they had 120 days to complete the necessary agreements. He also commented the market report did not take the Marcellus Shale Industry into account.

Manager Greene stated the developer was requested to upgrade the Feasibility Study and provide an appraisal.

Nedward Jacob questioned what happened to the first person that was interested and Manager Greene responded they were exploring other locations within St. Marys.

Gregory Gebauer questioned how long the City was under contract with the developer and Manager Greene responded this was the last parcel of land to be developed and was not sure if there was a date regarding the end of the contract.

Nedward Jacob questioned if the taxes were current on the developers other buildings and Manager Greene responded he believed they were not current but in the penalty phase.

Washington Street Parking

Manager Greene stated he had been instructed by Council at a previous meeting to place "No Parking from 2:00 am until 6:00 am" signs along Washington Street in front of the cemetery. After review by City staff it was found that the City Code no longer has that restriction. He was requesting direction from Council.

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Council had a lengthy discussion regarding the no parking restriction.

Nedward Jacob made a motion to reinstate no parking from 2:00 am until 6:00 am from Rightmeyer Street toward the entrance to the cemetery along Washington Street, seconded by Bob Roberts (to open it up for discussion).

Motion

Bob Roberts stated that Council was acting on something that has not been presented to the public yet. If this was a proposed change to the Ordinance then the procedure of notification to the public should be priority. He believed the parking behind the white line along the road had helped immensely and was keeping the cars within the cemetery property. He questioned if this matter was then a cemetery problem?

Discussion

Nedward Jacob responded it was a cemetery problem.

Richard Dornisch commented they have been parking the cars there for decades, which does not mean that it was right or wrong, but it did mean it was traditional and did not mean that the people were lazy for not shoveling their driveways. He believed that some of the houses are built too close to allow for parking. He didn't believe there was a "significant problem" compared to other problems within the City.

Mayor Geyer agreed with Councilman Dornisch. She commented that the traffic simply slows down.

Nedward Jacob stated the reason there were no accidents was because the cars were parking beyond the curb on the cemetery property.

Richard Dornisch stated Mike Supon the caretaker of the cemetery had not complained to Council of a problem.

Nedward Jacob stated there were other people that have come to Council to complain about the parking.

Daniel Hepner stated that Council had subsequently found out the no parking restriction was removed from City Code.

Mayor Geyer stated Council had previously heard from residents who live across the street who said they had no other place to park.

Bob Roberts questioned whether anyone parked there when the restriction used to be in the Ordinance?

Richard Dornisch stated he believed they still parked there and it was just not enforced.

Bob Roberts stated if Council was going to make the restriction then it should be enforced.

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Nedward Jacob believed it would be enforced and stated there was still a sign there that stated "No Parking 2am until 6 am."

Gregory Gebauer questioned if the sign was for winter maintenance and Nedward Jacob responded no it was to be year round.

Manager Greene commented the cars are parking far enough off the road that they are on the cemetery property.

Bob Roberts and Mayor Geyer both agreed that Manager Greene's comment was exactly the point they were trying to make.

Bob Roberts stated since the cemetery is not complaining and the cars are parking inside the white line which is within the legal distance of a roadway for parking, he had mixed emotions on the matter.

Roll Call Vote- Motion Died

On a roll call vote six voted in the negative and one in the positive. Motion Died.

Steve Michuck approached and believed an agreement was made in the 1980's with a prior Council.

**APPROVAL OF EXPENDITURES**

Richard Dornisch made a motion to approve the Expenditures from March 15, 2012 to April 14, 2012, seconded by Gary Anderson.

Councilman Jacob questioned the expense for electrical repair at the Detsch Bros. Garage and Manager Greene responded it was for snowplow damage.

Motion Passed

All were in favor to approve the Expenditures.

**TREASURER'S REPORT**

Mayor Geyer gave the following Treasurer's Report as of March 31, 2012:

The City was at the end of the first quarter of 2012 and had collected 17.82 percent of revenue and had expensed 22.3 percent of the budget for the General Fund. Last year at this time 15.35 percent of the budget was received in revenue for the General Fund and 17.56 percent of the budget was expensed. 21.18 percent of the budgeted amount for Earned Income and 18.1 percent of Real Estate taxes were collected. Last year Earned Income was at 26.24 percent and Real Estate taxes were at 16.36 percent.

**LEGISLATIVE ACTION:**

**Consider for adoption,** Ordinance No. 273, re: amending and Restating Part 7 of Chapter 15 of City Code, regulating parking in unmetered parking lots

Ordinance No. 273 was presented for adoption amending and restating Part 7 of Chapter 15 of the St. Marys City Code, regulating parking in unmetered parking lots.

Manager Greene stated it was duly advertised and displayed at City Hall and the St. Marys Library.

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Bob Roberts made a motion to adopt Ordinance No. 273, seconded by Daniel Hepner and all were in favor.

**Consider for adoption, Resolution No. 12-4, re: 2012 Application for County Liquid Fuel Tax Funds**

Resolution No. 12-4 was presented for adoption to apply for 2012 County Liquid Fuel Tax Funds.

Manager Greene stated the funds would be used to purchase 1B limestone.

Richard Dornisch made a motion to adopt Resolution 12-4, seconded by Gary Anderson and all were in favor.

**Human Resource Group Agreement**

Manager Greene explained this year the AFSCME and Police Contracts were due to be renegotiated. Due to the rising hospitalization costs a consultant would be helpful during the negotiations. The consultants would be more experienced in labor law and arbitration matters than himself or the Solicitor. The agreement required a five hundred dollar a month retainer and contained a 60 day termination clause.

**Motion**

Nedward Jacob made a motion to approve the Human Resource Group Agreement, seconded by Daniel Hepner.

**Discussion**

Mayor Geyer questioned if other options or offers should be considered.

Richard Dornisch questioned what the time line was for retaining a consultant and both Manager Greene and Solicitor Wagner recommended the sooner the better.

**Motion Passed**

All were in favor to approve the Agreement.

**Appointment to the Planning Commission (4 year term)**

Richard Dornisch made a motion to appoint Jim Heary, Jr. to the Planning Commission as recommended, seconded by Nedward Jacob and all were in favor.

**Sale of Scrap Equipment**

Manager Greene explained back in November of 2011 the City had advertised requests for bids on used equipment. No bids were received on the following two items:

1990 GMC cab and chassis- cat diesel 3116, 6.6L. 185 h.p.

1992 Ford F800 dump truck – Ford diesel, FNH 7.8 ATA, 210 h.p.

GAP Enterprises, Inc. has since offered a total sum of \$2,300.00 for the above mentioned items for scrap.

**Motion**

Nedward Jacob made a motion to approve the sale, seconded by Daniel Hepner.

**Discussion**

Bob Roberts commented the scrap amount received was better than the actual bid amount for the other items.

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Richard Dornisch questioned what was happening with the one last item not bid on or sold for scrap and Manager Greene responded the last item was a 1985 Pucket Bros. power box paver and was still available.

Motion Passed

All were in favor to approve the sale of scrap equipment.

**Subdivision Application:** Helen Green/Walter and Theresa Schatz, Rosely Road

A subdivision application was presented for Helen Green/Walter and Theresa Schatz for property located on Rosely Road.

Manager Greene explained the subdivision proposes to divide a 0.83 acre lot with an existing single family dwelling from a 13.944 acre parcel. The lot is served with City water and an on-lot sewage disposal system. The Planning Module and waivers are required because several parcels were subdivided out from the parent tract without any sewage facilities planning in 1992. The subdivision is in compliance with the zoning ordinance. The Planning Commission had no substantial comments on the subdivision plat or the Planning Module.

Motion Passed

Daniel Hepner made a motion to approve the subdivision application for Helen Green/Walter and Theresa Schatz, seconded by Nedward Jacob and all were in favor.

**TOPICS FOR DISCUSSION:**

There were no topics for discussion.

**CITIZEN COMMENTS  
ON NON-AGENDA TOPICS**  
Steve Michuck

Steve Michuck questioned when the scrap equipment was bid and Manager Greene responded in October of 2011.

He also stated he was told if you were not a "municipality" lawyer any Ordinance was unenforceable and Solicitor Wagner responded he was not aware of any certification for that in the state of Pennsylvania.

**COUNCIL COMMENTS**  
Councilman Jacob

Councilman Jacob stated since the last meeting 40 more income surveys were received but 35-40 more were needed by the end of the month.

Council discussed various places to distribute the surveys.

Councilman Anderson

Councilman Anderson asked the status on the "jake brake" Ordinance and Solicitor Wagner responded he was working on the draft.

Councilman Anderson asked the Manager for an update on the Rails to Trails program.

Manager Greene

Manager Greene stated the program had received funding for 5 miles of trail, which would start at Emporium. Solicitor Wagner commented because of

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numerous "wash outs" along the St. Marys portion of the trail additional funding was needed to secure those areas first.

Manager Greene commented he had called a representative from the railroad regarding leasing a portion of track that had been removed near the Wetlands Interpretive Center on West Creek Road.

The trail will be for walking, biking, and snowmobiles in the winter.

Discussion

Council, City Manager, City Solicitor and Steve Michuck briefly discussed various details of the program.

**ANNOUNCEMENTS**

Mayor Geyer made the following announcements:

- The next Council worksession will be held Monday, May 7, 2012 at 7:00 p.m. at City Hall.
- Spring Clean-Up Day will be held on Saturday, May 5, 2012 from 8:00 a.m. until 2:00 p.m. at the City Garage located on Graphite Road. There will not be one in the Fall of this year.

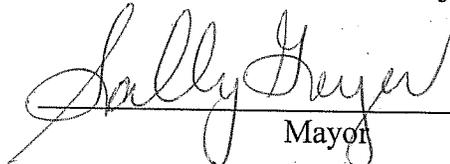
**PROCLAMATION FOR ARBOR DAY**

Mayor Geyer read and signed a Proclamation declaring April 27, 2012 as Arbor Day in the City of St. Marys and presented it to Kathy Herzing, Shade Tree Commission Chairperson.

**ADJOURNMENT**

Gary Anderson made a motion to adjourn the meeting.

  
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Recording Secretary

  
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Mayor