

April 20, 2009

**CALL TO ORDER**

The regular Council meeting of the City of Saint Marys was called to order by Mayor Sally Geyer on Monday, April 20, 2009 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 16, 2009, posted at City Hall, and published in the Daily Press.

**ROLL CALL**

Present: Mayor Sally Geyer, Thomas Farley, Steven Skok, Richard Gabler, Jr., Sean Gabler, Richard Dornisch, City Manager David Greene, and City Solicitor Mark Jacob

Absent: Dennis Nero (excused)

**VISITORS**

Visitors included: Joe Goetz, Don Beimel, Dan Hepner, Karl Haglund, Mark Patrick, Mark Romain, Jeff Schatz, Thomas Doc Lyons, Doug Johnson, Kim Madden, David Larkin, Warren Stewart, Dave Brennen, Jeff Buchheit, Pat Pfeufer, Brandon Mitchell, Mike Dinsmore, Vic Straub, Sally Wilson, Darlene Lynch, Nicklas Lynch, Alyson Lynch, Bill Lynch, Richard Sadley, Mike McCully, Joe Bologna, William & Victor Jundzilo, Betty Varner, Faith Simbeck, Desmond Kline, and Terry Pontzer

**APPROVAL OF MINUTES**  
April 6, 2009

Richard Dornisch made a motion to approve the minutes of April 6, 2009, seconded by Steven Skok, and all were in favor.

## Executive Session

Mayor Geyer stated an Executive Session was held prior to this meeting regarding legal issues. No decisions were made.

**SECOND PUBLIC HEARING**  
Section 108  
Guarantee Loan  
Funds

Mayor Geyer opened the Second Public Hearing at 7:01 p.m. regarding Section 108 Guarantee Loan funds and turned the hearing over to Karl Haglund, of Urban Design Ventures, LLC.

## Karl Haglund

Karl Haglund stated he has been working the past few months with Manager Greene and his staff regarding the Section 108 Loan Program for the parking garage and Depot Street.

## Purpose of Hearing

The purpose of this second hearing is to obtain comments from citizens, organizations, and firms. The City has prepared a Section 108 Application in the amount of \$1,800,000. The project involves streetscape improvements for Depot Street and the construction of the Depot Street Parking Garage.

## CITY OF SAINT MARYS REGULAR COUNCIL MEETING

April 20, 2009

The total project cost is estimated to be \$7,452,800.

Sources of funds include the following:

- \$1,800,000 Section 108 Loan Guarantee
- \$4,000,000. Redevelopment Assistance Capital Program (RACP)
- \$1,500,000. DCED Growing Greener II Funds
- \$152,800. City Parking Authority Funds

The use of the Section 108 Loan is eligible under the CDBG Regulations if the proposed project will benefit low and moderate income persons through area benefit and job creation.

Manager Greene noted the \$1,800,000. will also be used for the reconstruction of Depot Street from N. Michael Street to Fourth Street such as: water, drainage, sanitary sewers, curbs, sidewalks, street lighting, fencing, and contributions to the Depot Street Parking garage construction.

Joe Goetz

Joe Goetz asked Council if a hold could be put on the project due to the hard economic times.

Hearing Closed

Thomas Farley made a motion to close the hearing seconded by Richard Gabler, and all were in favor. The hearing closed at 7:08 p.m.

#### CITIZEN COMMENTS

Jeff Buchheit

Jeff Buchheit, of Smith Sports Store, felt the downtown merchants are forgotten when they need help. He also went on record to support the Apollo Theatre sign. He would like to see the City thrive and stated Council should help the downtown merchants instead of issuing sign violations.

Joe Goetz

Joe Goetz questioned if taxpayer's money is being used for the parking garage. Manager Greene responded only grant money is being used.

Thomas Doc Lyons

Thomas Doc Lyons asked if the hotel is still going to be built. Manager Greene stated the developer is still considering it.

#### MANAGER'S REPORT

The Manager presented the following report:

- March 13th, attended a meeting with members of the St. Marys Airport Authority to listen to a presentation on the financial status of the airport.
- Met with Mark Figurelli, owner of the former Wal-Mart on March 18th to discuss future plans for the site.
- On March 19th, attended a meeting at North Central to discuss plans for the Industrial Development Corporation.

April 20, 2009

- March 23rd, attended a meeting with the Airport Authority to tour the airport facility and receive an update on their financial status.
- Met with Joe Dunkle, Zito Media, on March 26th to discuss relocating cable lines on Depot Street.
- March 26th, met with John Weible to discuss the KOZ properties in the City.
- On March 31st, attended a pre-bid meeting for the Parking Garage project.
- Attended the PLCM District meeting March 31st at the St. Marys Country Club.
- April 1st, attended the Zoning Hearing Bd. meeting to request a variance for the Parking Garage.
- April 7th, met with representatives from the Conservation Forestry, the Nature Conservancy & Keith Horn Forestry. Conservation Forestry has purchased 10,000 acres of land from the Kaul & Hall Land Co.
- On April 7th, attended the St. Marys Planning Commission meeting.
- April 15th, toured the Apollo Theatre with Tom Harley and Sean Gabler.
- Attended the bid opening for the Parking Garage project on April 15th.

**EXPENDITURES REPORT**

Richard Dornisch made a motion to approve the Expenditures Report for the period March 14, 2009 thru April 11, 2009, seconded by Sean Gabler, and all were in favor.

**TREASURER'S REPORT**

Mayor Geyer presented the Treasurer's Report as of March 31, 2009. The City is at the end of the 1st quarter of 2009 and has collected 16.14% of revenue and expended 19.69% of the budget for the General Fund. Last year, at this time, the City's revenues were at 17.29% of the budget for the General Fund and expenditures 20.65% of its budget. The City collected 27.36% of its budgeted amount for Earned Income and 17.17% for Real Estate taxes. Last year Earned Income was at 25.03% and Real Estate tax was at 16.32%.

**LEGISLATIVE ACTION**  
**Consider for Adoption**  
 Ordinance No. 251  
 re: Increasing the  
 City's Indebtedness  
 for St. Dept.  
 Equipment (\$150,000.)

Ordinance No. 251 was presented increasing the indebtedness of the City, by the issue of a General Obligation Note in the amount of \$150,000. to purchase a maximizer II Gold Oil Distributor and a 2009 GMC Sierra 3500HD Truck with a muncie hydraulic system for the Street Department.

CITY OF SAINT MARYS REGULAR COUNCIL MEETING

April 20, 2009

Thomas Farley made a motion to adopt Ordinance No. 251, seconded by Richard Gabler, and all were in favor, except Sean Gabler who abstained.

Resolution No. 09-13  
re: KOZ

Resolution No. 09-13 was presented extending the term of Real Property, Earned Income Tax, Net Profits Mercantile, and Business Privilege Taxes within a specific geographic area in the City of St. Marys designated as a Keystone Opportunity Zone or Keystone Opportunity Expansion Zone in order to foster economic opportunities, stimulate industrial, commercial, and residential improvements and prevent physical, and infrastructure deterioration within areas of the City of St. Marys upon certain terms and conditions.

Richard Dornisch made a motion to adopt Resolution No. 09-13. The motion was seconded by Steven Skok.

Thomas Farley stated he can go along with some of the KOZs but some he cannot.

Sean Gabler questioned if the KOZs could be approved separately or do they have to be approved by a blanket resolution.

Solicitor Jacob noted that Council has until May 31st to make a decision and if they want to remove some of the KOZs, there is time to do that.

Manager Greene noted the City has a 53 acre tract of land that is KOZ in the Industrial Park and he does not want the other KOZ individuals to think the City is trying to exclude them out of the KOZ process to push more industry to the City's land.

Motion Passed  
by Majority Vote

On a roll call vote, all were in favor to adopt Resolution No. 09-13, except Thomas Farley who opposed. The motion passed by majority vote.

Resolution No. 09-14  
re: Elk Creek Park  
Grant Agreement

Resolution No. 09-14 was presented whereby the City desires to undertake the Elk Creek Park Project by receiving a grant from the Department of Conservation and Natural Resources. The application package includes documents entitled "Terms and Conditions of Grant" and a "Signature Page for Grant Agreement". This resolution authorizes the execution of the grant agreement by the City.

Sean Gabler made a motion to adopt Resolution No. 09-14, seconded by Steven Skok, and all were in favor.

April 20, 2009

**Award Bid**

re: Teaberry Road  
Bridge  
(bid rejected)

Manager Greene read a letter received from Mike Mullaney, Public Works Director, stating the bid opening for a pre-cast concrete plank beam deck replacement for the Teaberry Road Bridge was held on April 8, 2009 at City Hall. The City only received one bid which was from Newcrete Products of Roaring Springs, PA. (division of New Enterprise Stone & Lime Co.) Mr. Mullaney noted there were three problems with this sole bid: the bid was faxed to the City, not being submitted as a sealed bid; no 10% bid bond attached; and the bid came in over budget. The bid totaled \$55,125. and the City only budgeted \$50,000. for the whole project. The Public Works Director and the Street Superintendent recommended that the bid be rejected.

Mayor Sally Geyer made a motion to reject this bid according to the Public Works Director's recommendation, seconded by Thomas Farley, and all were in favor.

**Land Development**

Parking Garage and  
Bus terminal

Manager Greene read a letter from Matthew Pfeufer regarding the City of St. Marys Parking Garage Land Development. The Land Development Plan is for the proposed downtown parking garage at 238-304 Depot Street. The building footprint is 43,750 sq. ft. and the number of floors will be either three or four depending on the received bid amounts. The total development acreage is 3.42. The overall site plan also shows a building to be constructed by the Area Transportation Authority and a public park to be constructed by the City. The only zoning issue is the parking spaces size. The Zoning Ordinance requires standard non-paralled parking spaces to be 9'x18' and the proposed standard spaces are 8.5'x17.5'. A Zoning Hearing held on April 1, 2009 approved the smaller parking space size.

The Planning Commission had several comments such as: the right-of way for Depot St. is listed as 49 feet; the ceiling height for the upper floors; and the height of the entry bar at the entrance to the garage must be accurate.

Richard Dornisch expressed his concern regarding the reduction of the size of the parking spaces.

**Memo from Planning  
Commission**  
re: Sign Ordinance

Mayor Geyer invited citizens to speak, at this time, regarding the Sign Ordinance.

April 20, 2009

Don Beimel,  
Don's Pizza

Don Beimel, Don's Pizza, stated the businesses downtown have a problem with the Sign Ordinance. He said he received a notice from Matt Pfeufer that three of his signs were illegal because the ordinance was changed in 2006. He noted that merchants were not at the last Council meeting because Mr. Pfeufer told them to go to the Planning Commission first. Mr. Beimel stated for the past three years, the ordinance was not enforced. He was told he cannot advertise other businesses on his property, his pizza sign is too large, banners were only allowed for 30 days two times a year, and the sq. ft. of a sign was changed in 2006 from 200 sq. ft. to 20 sq. ft. Mr. Beimel thanked Richard Dornisch for being a champion of small businesses.

Jeff Buchheit,  
Smith Sport Store

Jeff Buchheit, Smith Sport Store, stated the reason a business puts a sign up, is because they are proud. He was going to bring pictures of some of the illegal signs in St. Marys such as: City of St. Marys; Chamber of Commerce; School District; and soon to be Memorial Park. Mr. Buchheit noted that recently the St. Marys Recreation Board approved signs to be placed at Memorial Park's ballfield to advertise businesses at \$100.00 a piece which is illegal. If we get fined will the Recreation Board get fined? He requested that Council give permission to the Planning Commission to reopen the sign portion of the Zoning Ordinance.

Jeff Schatz,  
Resident

Jeff Schatz, resident of St Marys, also addressed Council regarding the Sign Ordinance and that he supported the business owners.

Darlene Lynch,  
Apollo Theatre

Darlene Lynch, of the Apollo Theatre, stated she and her family are trying to revitalize their little portion of the world so people will come to St. Marys to see a movie instead of driving through and going to DuBois. She noted if the City fines us \$500. for placing letters on our marquee, which is the theatre's sign, less money will be used to make the outside of the building more attractive.

Betty Varner,  
Road Dogz

Betty Varner, of Road Dogz, stated she uses the sign in front of Don's Pizza to advertise her business. She stated she loves St. Marys and she doesn't want to leave, but if St. Marys makes it impossible for her to have the business here, she will have to move out of town.

April 20, 2009

Doug Johnson,  
Road Dogz

Doug Johnson, of Road Dogz, also expressed his concerns regarding their business and asked Council to help resolve the issues with the Sign Ordinance.

Council agreed that they have no problem with the Planning Commission looking at the Sign Ordinance and making recommendations.

Thomas Farley stated, in his opinion, the Planning Commission did not need to come to Council for permission to review the Sign Ordinance. Reviewing ordinances is what the Planning Commission is supposed to do. Mr. Farley stated if people get involved, like all of you are doing here tonight, somethings could get changed.

Mayor Geyer thanked everyone for coming tonight.

Sean Gabler agreed that it is fantastic to see all of you here tonight and suggested those in attendance get involved in local government. We have two people running for three Council positions.

A citizen stated we were told, by one person on the Planning Commission, that it did not matter how many people go to the Council meeting, it will not help.

Thomas Farley noted the Zoning Book took two years to process and was a \$25,000. expenditure. City Council did not have any input in the book. The Planning Commission and Harry Roth Consultants are the ones who prepared this book. He stated the book is not a perfect document and it should be a document with work in progress.

Solicitor Mark Jacob clarified that no fines were issued. Steps were taken which amounted to a letter being sent to the businesses saying you are not in compliance with the ordinance and if you don't fix it, there could be a fine up to \$500. He noted Council is willing to look at the ordinance and possibly changing it. The City has put a hold on any action being taken on the letters that were sent recently.

The next Planning Commission meeting will be held on Tuesday, May 5th.

Mike Dinsmore  
Dino's

Mike Dinsmore, of Dino's, wanted to know who will make the final decision. The Planning Commission said they cannot do anything, it is up to City Council. Now, City Council is saying it is up to the Planning Commission.

## CITY OF SAINT MARYS REGULAR COUNCIL MEETING

April 20, 2009

Sean Gabler stated the Planning Commission believed they needed approval from Council to look at the ordinance. The Planning Commission will now look into the ordinance and make recommendations to Council. The Planning Commission is an advisory board of City Council.

It was noted in the Ordinance Book under signs it states "Reserved for future use" not knowing it comes under "Zoning". Something should be placed in this section to direct people where to look for the Sign Ordinance.

**TOPICS FOR DISCUSSION**  
**Apollo Theatre**

Darlene Lynch, of the Apollo Theatre, requested that the time on parking meters be changed from 7:00 a.m. to 8:00 p.m. instead of the present 7:00 a.m. to 9:00 p.m. It would be impossible for movie patrons to feed meters, who attend the 7:00 p.m. movie, to comply with the 9:00 p.m. deadline. Movie goers normally come early to purchase their ticket, etc. From the response the theatre is receiving from surrounding communities, we feel the theatre will be bringing visitors to our community to attend a movie and then maybe patronizing local merchants. If a visitor leaves the 7:00 p.m. movie and finds a ticket on their car, this certainly would not be good public relations for St. Marys.

After a discussion, it was felt the time on the meters could be changed without changing the ordinance.

Manager Greene will look into the request and present a recommendation.

**Airport Authority**

Once again, Victor Straub, Chairman of the St. Marys Airport Authority, was present to discuss the airport's cash flow problem. Also attending from the Authority were Joseph Bologna, Airport Manager, Dave Brennen and Terry Pontzer, members.

Victor Straub noted that at the April 6th meeting, he gave Council an up-date on their financial issues, detailed the circumstances that led to their problems, listed cutbacks, and future programs at the airport.

Mr. Straub stated the Authority is requesting the City release the remainder of the \$35,000. budgeted amount which is \$26,250. and also requested a \$40,000. loan from the City. He noted as soon as two grants are received, the loan would be paid back.

April 20, 2009

Thomas Farley made a motion to release the budgeted funds to the airport in the amount of \$26,250., seconded by Steven Skok, and all were in favor.

David Brennen

David Brennen noted that one of the airport's financial problems is the new administration building. The old terminal building was run down and pilots would convince businessmen to fly to DuBois or Bradford instead because they offered better facilities. The Authority had to renovate the building to house the restaurant.

Mayor Geyer noted the last time the Authority requested a loan it was \$30,000. now it is \$40,000.

Sean Gabler stated the Airport Authority is making a big assumption that the City has \$40,000. to lend the airport. This request would have to be reviewed by the Finance Director.

## CITIZEN COMMENTS

Jeff Buchheit invited Council Members to spend a day at his store.

Joe Goetz commented again regarding the parking garage.

## COUNCIL COMMENTS

Richard Dornisch stated a gentlemen approached him stating a plaque on a "Memorial Tree" on Erie Avenue is gone. Manager Greene will check.

Thomas Farley suggested Council look at the memo recently received from the Planning Commission regarding typographical and logical zoning ordinance revisions. He would like to see this item placed on the next agenda.

## ANNOUNCEMENTS

Mayor Geyer made the following announcements:

- Next Council meeting will be held on Monday, May 4, 2009 at 7:00 p.m.
- City's Spring Clean-up will be held on Saturday, May 16, 2009 from 8:00 a.m. until 2:00 p.m.
- Arbor Day ceremony will be held on April 24, 2009 at 9:00 a.m. at City Hall.

## ADJOURNMENT

Thomas Farley made a motion to adjourn the meeting.

*Shirley Dicklas*  
Recording Secretary

*Sally Geyer*  
Mayor