

CITY OF SAINT MARYS REGULAR COUNCIL MEETING

JUNE 18, 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, June 18, 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 June 14, 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: Tim Ruffner, Fred Haas, Warren Stewart and Richard Sadley.

APPROVAL OF MINUTES

June 4, 2012

Gary Anderson made a motion to approve the minutes of June 4, 2012, seconded by Richard Dornisch and all were in favor.

CITIZEN COMMENTS ON AGENDA TOPICS

There were no citizen comments on agenda topics.

MANAGER'S REPORT

May 30- Manager attended a meeting at the Airport to listen to the consultant discuss the upcoming "Airport Master Site Plan".

May 30- Carol Muhitch and the Manager met with Karen from Open Flow Energy to review and sign a one year contract for natural gas for all City buildings. The City's price from last year to this year went from 5.675 d/t to 3.998 d/t.

June 5- Manager met with Tom Kearney from West Penn Power to discuss the protocol for any power outages that may occur in the St. Marys area. West Penn will keep the City updated by E-Mail, Voice and Text messages.

June 7- Manager attended the Judicial Sale held at the Courthouse in Ridgway. All but one property for sale in St. Marys sold.

June 11- Attended the Grand Opening of the new Trinkets-N-Treasures store on Railroad Street.

June 13- Lorrie Levenduski and Manager met with Bob Ayoob from Thomas and Williamson to update him on the progress with the Parking Garage project.

June 14- Manager met with Joe Snyder and Bob Mecca from LIFT to discuss the City parking lots and how to make them more handicapped accessible.

(Added to agenda) Revised Termination of Easement with Mersen.

Manager Greene explained at the last Council meeting approval was given for a Termination of Easement for Mersen, USA. It has since been determined there was a water line easement for a private water line that would also need to be included. He stated the water line would not interfere with the other users within the

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area and each owner affected would sign the agreement separately.

Motion

Richard Dornisch made a motion to approve the termination of easement with Mersen, USA, which would include the waterline easement, seconded by Bob Roberts.

Discussion

Nedward Jacob questioned if there were any taps on the waterline and if the water line was only located within Mersen's property and Manager Greene responded there were no taps and the line was only within the Mersen property.

Motion Passed

All were in favor to approve the revised Termination of Easement with Mersen.

APPROVAL OF EXPENDITURES

Motion

Bob Roberts made a motion to approve the Expenditures from May 14, 2012 to June 16, 2012, seconded by Nedward Jacob.

Discussion

Bob Roberts commented he wanted to publicly thank the St. Marys Rotary Club for purchasing a "Bite Suit" for the Police Department in the amount of \$1,250. The suit allows the police officer to properly train the police dog.

Gregory Gebauer questioned a line item regarding payment to Leonard S. Fiore and Manager Greene responded it was the general contractor for the Parking Garage. He also questioned a transfer to the Parking Garage Fund in the amount of \$5,000 and Manager Greene responded it was a transfer from the Capital Reserve Fund to pay for various outstanding items regarding the above mentioned Parking Garage expenses.

Nedward Jacob questioned if the above mentioned items were the last of the bills for the Parking Garage and Manager Greene responded no, there were additional bills that would be submitted from Elco Electrical. Councilman Jacob then questioned if this would be the last of the bills for construction of the Parking Garage and Manager Greene responded yes.

Daniel Hepner questioned a line item regarding Elk County Drywall and Painting and Manager Greene responded it was for the priming and painting of all of the steel items within the Police/Fire Station on Erie Avenue.

Greg Gebauer questioned a bill for heat at the "Detsch building" and it was determined the bill was for the Month of May which would include the month of April.

Nedward Jacob questioned a payment for legal services and Manager Greene responded it was for the Civil Service Commission legal expenses for work on the Promotion Resolution for the Police Department.

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Motion Passed

All were in favor to approve the Expenditures.

TREASURER'S REPORT

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

Total revenue collected for the General Fund was at \$3.2 million or 53 percent of budget. Tax Revenue collected as of May 31, 2012 was \$2.9 million or 66 percent of budget. Total Expenditures for the General Fund as of May 31, 2012 was \$1.9 million or 32.21 percent of budget. Last year's Expenditures at this same time were at 26.66 percent of budget and in 2010 was 31.69 percent. As for Revenue, in 2011 as of May 31st it was \$3.3million or 47.78 percent of budget and Tax Revenue was at \$3 million or 69 percent of budget.

LEGISLATIVE ACTION:

Consider for publication: Revised "Jake Brake" Ordinance

An Ordinance was presented amending Chapter 15 of the St. Marys City Code to prohibit the use of Engine Brakes and establish penalties. ("Jake Brake" Ordinance)

Motion

Bob Roberts made a motion to publish the "Jake Brake" Ordinance, seconded by Nedward Jacob.

Discussion

Daniel Hepner stated he was told that the loud "jake brakes" were due to improper installation.

Gregory Gebauer stated he understood the noise issue but he was recently informed that the "jake brake" is an essential part of the breaking system on a "big rig". He explained the language within the CDL Manual describes how to use the "jake brake". He stated he was personally familiar with using a "jake brake" and believed it was necessary to utilize that brake within the City. He suggested the Ordinance not be for "all trucks" or possibly placing a time constraint on its usage.

Richard Dornisch disagreed with the Ordinance because it was redundant and unenforceable. He also disagreed with the standardized fine and believed the City should be allowed to set those fines. Mayor Geyer agreed with Councilman Dornisch.

Gregory Gebauer stated the fines were the maximum penalty for any summary offense.

Solicitor Wagner explained the local District Justice has the authority to impose the fine at his/her discretion because no two instances are the same. He also commented if the Ordinance was further refined to penalize only trucks that had the engine brakes improperly installed, he was unsure of the difficulty of enforcement by the police department.

Mayor Geyer questioned if the brakes were not installed properly then it wouldn't pass inspection and Gregory Gebauer responded he was informed certain other options would allow the truck to pass inspection. He again quoted the CDL manual regarding engine

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brakes and gave examples of other nuisances.

Richard Dornisch stated the City had other issues with loud noises from other sources, but they were not considered a problem.

Nedward Jacob stated some of the trucks entering the City within the 35 mph or less are abusing the "jake brake". If the trucks do not use their jake brake and are in an accident it is because they are not in control of their vehicle.

Bob Roberts commented there was no reason to use the jake brake in the downtown area.

Roll Call Vote- Motion Died
*Corrected to list individual votes

*On a roll call vote (3) Bob Roberts, Gary Anderson and Nedward Jacob voting in the positive and (4) Mayor Geyer, Richard Dornisch, Gregory Gebauer and Daniel Hepner voting in the negative. Motion died.

LERTA application for Metco
Industries

Manager Greene explained Metco had submitted an application to the City in regards to the Local Economic Revitalization Tax Assistance Act (LERTA) Program for a 875 square foot addition to an existing building at 1259 Bruxelles Road. The projected cost of the improvement was \$284,785. The County Assessment Office had responded of their approval and the St. Marys Area School District had responded they had no concerns with the application. Manager Greene suggested since there were two additional phases for expansion that Council should consider approval of all three phases at this time.

Council briefly discussed the application and the option of approving all three phases instead of just Phase One as listed on the current application.

Motion

Richard Dornisch made a motion to approve all three phases of construction for LERTA contingent upon receiving the applications and there were no impediments for Phase 2 or 3.

Comment

Nedward Jacob stated only the current application should be approved, since that was all that was being requested at this time.

Motion Died

There was no second on the motion. Motion Died.

Motion Passed

Nedward Jacob made a motion to approve the 875 square foot addition for LERTA from Metco, seconded by Daniel Hepner, and all were in favor.

Subdivision Applications:
Jane Bryndel and Patricia Sherry,
Wilson Road

A subdivision application was submitted from Jane Bryndel and Patricia Sherry for property located on Wilson Road. The subdivision proposes to divide a 8.34 acre lot (Parcel 2a) and add it to an adjoining parcel and divide a .03 acre lot (Parcel 1a) and add it to the other adjoining parcel to settle an estate. The lots and parcels will be consolidated as a result of this subdivision. No. new building lots will be created. Non-building waivers have been submitted for both

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lots. The resultant parcels are in compliance with the subdivision and zoning ordinances. The Planning Commission commented that language should be included in the deed descriptions to reserve the right-of-way for Hummingbird Lane.

Bob Roberts made a motion to approve the Jane Bryndel and Patricia Sherry subdivision application with the conditions listed by the Planning Commission, seconded by Gary Anderson.

Nedward Jacob questioned the Request for Planning Waiver and Non-Building Declaration and Solicitor Wagner responded it meant there were no plans to install a sewer system. Every time a property is subdivided either proof that the property is suitable for building or the waiver is required. If they decide to build on the property in the future then testing would be required.

All were in favor to approve the subdivision application.

Joseph M. Eckert, Martin Road

A subdivision application was submitted from Joseph M. Eckert for property located on Martin Road. The subdivision proposes to create a 130' by 100' parcel as a new building lot for a single family dwelling. The new lot has access to public water and sewer. The access for the new lot is via a private right-of-way. There is an existing shed on the parent parcel that will be demolished to maintain compliance with the zoning ordinance. The Planning Commission has no substantial comments on the proposed subdivision.

Motion Passed

Richard Dornisch made a motion to approve the Joseph M. Eckert Subdivision Application, seconded by Daniel Hepner and all were in favor.

TOPICS FOR DISCUSSION:
Parking on Charles Street

Mayor Geyer, Councilman Dornisch and the Manager had all received phone calls from a resident on Charles Street requesting Council review the parking on Charles Street.

Manager Greene explained the resident at 551 Charles Street did not have enough parking within his own property and cars that were parked on the street overnight were being ticketed because of the no parking 2am until 6am. The resident requested Council consider allowing overnight parking except during the winter months.

Councilman Dornisch believed it should be changed.

Councilman Jacob disagreed and believed Council should not make a special exception because it would create more requests.

Councilman Roberts commented there was an exception already in place if they contacted the Police Department and notified them of the cars parking overnight, but it was not an everyday exception.

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Council briefly discussed the issue and no action was taken.

PA Wilds Sign Grant

Mayor Geyer distributed information regarding the PA Wilds Sign Grant that was available.

Council decided to review the information and discuss it at the next meeting.

**CITIZEN COMMENTS
ON NON-AGENDA TOPICS**

Tim Ruffner

Tim Ruffner, Director of Environmental Services at Elk Haven and Silvercreek Terrace, requested Council assist him with unresolved issues regarding the recent changes at Zito Media. He was not able to obtain even a call back from anyone from Zito Media.

Council had a discussion regarding the numerous issues and complaints regarding the recent changes by Zito Media.

Greg Gebauer made a motion to direct the Solicitor to draft a strongly worded letter to Zito Media regarding the numerous complaints received regarding their service to be signed by the City Manager and the Mayor, seconded by Gary Anderson and all were in favor.

Fred Haas, resident of Evergreen Road, stated he has a problem with loud cars in his neighborhood and wondered if it would fall under a noise restriction and Manager Greene responded he would have the Police Department look into it.

**COUNCIL COMMENTS
ATA**

Councilman Dornisch requested information regarding the ATA facility and the storage of their vehicles.

Councilman Jacob commented he thought the Parking Garage was just a depot and not for storage of the vehicles.

Councilman Roberts commented the questions should be addressed to the ATA.

Parking Permit Revenue

Councilman Gebauer questioned where the funds collected from Marienstadt and Canadensis buildings parking permits show within the Parking Revenue Report and Manager Greene and Councilman Jacob responded it is included within Parking Revenue Reports listed under permit revenue and their payment is current.

Complaint Report

Councilman Gebauer also questioned an unresolved issue on the Complaint Report on Queens Road from the year 2008 and Manager Greene responded since Queens Road was recently paved he believed the issue should now be resolved.

“Jake Brake” issue

Councilman Gebauer also commented in prior years Council had attempted to address the “Jake Brake” problem with no results because it couldn’t be enforced.

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Councilman Hepner commented prior attempts to deal with the "Jake Brake" issue were not enforceable because the issue was not specified in the City Code

Request for Department Reports

Councilman Jacob commented he knew more about the State Highways than the City Roads and he requested a bi-monthly report from the Street Department and other Departments listing work completed and scheduled.

ANNOUNCEMENTS

Mayor Geyer made the following announcements:

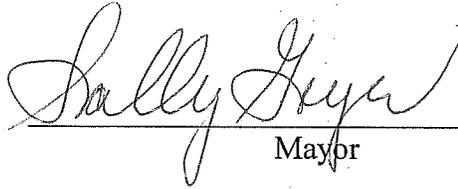
- The next Council worksession will be held Monday, July 2, 2012 at 7:00 p.m. at City Hall.

ADJOURNMENT

Gary Anderson made a motion to adjourn the meeting.



Recording Secretary



Mayor