

## CITY OF SAINT MARYS REGULAR COUNCIL MEETING

March 17, 2008

- CALL TO ORDER** The regular monthly Council meeting of the City of Saint Marys was called to order by Mayor Sally Geyer on Monday, March 17, 2008 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 March 13, 2008, posted at City Hall, and published in the Daily Press.
- ROLL CALL** Present: Mayor Sally Geyer, Dennis Nero, Thomas Farley, Steven Skok, Richard Dornisch, Sean Gabler, and Richard Gabler, Jr., City Manager David Greene, and City Solicitor Mark Jacob
- VISITORS** Visitors included: Darlene Distler, Rob Dixon, Todd Caltagarone, Tim Gourley, Kim Lanich, Jim Cheatle, Dan Hepner, Warren Stewart, Gary L. Thorp, and Jeff Buchheit
- APPROVAL OF MINUTES**  
March 3, 2008 A motion was made by Thomas Farley to approve the minutes of March 3, 2008, seconded by Sean Gabler, and all were in favor.
- It was noted that no motion was made regarding the forming of a smaller Recycling Advisory Committee. (Note: According to the cassette tape of the March 3rd meeting, a motion was made with no second).
- CITIZEN COMMENTS ON AGENDA TOPICS** Tim Gourley and Kim Lanich will speak later during the meeting regarding the Land Development Application.
- MANAGER'S REPORT** Manager Greene presented the following report:
- Feb. 19th, met with KTH & Thomas Harley Architects regarding the parking garage.
  - Met with Gordon Murray to discuss soil borings for the parking garage.
  - Feb. 21st, met with the Quad 3 Group to begin testing for lead paint & asbestos at the Industrial Steel site.
  - Council and I attended the Annual Fire Department's meeting on Feb. 21st.
  - On Feb. 25th, attended a LERTA meeting between Council, County, & School Bd.
  - March 3rd, held a public hearing to receive input on the proposed Elk Creek Pk.
  - Met with Bob Ayoob to review documentation for the parking garage.
  - March 5th, attended the Shade Tree Commission & the Recreation Board meetings to discuss the Elk Creek Park.

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- On March 10th, attended the West Creek Rails-to-Trails meeting.
- Attended the bid opening for the Airport Industrial Park Project on March 12th.
- I was guest speaker at the CEC Leadership Committee meeting on March 12th.

EXPENDITURES REPORT

A motion was made by Richard Dornisch to approve the Expenditures Report for the period February 16 thru March 12, 2008, seconded by Steven Skok, and all were in favor.

TREASURER'S REPORT

Mayor Geyer presented the Treasurer's Report for February 29, 2008. Total revenue for the General Fund, as of February 29th, was \$348,932.25 or 6.31% and total expenditures were \$650,969.68 or 11.83% of the budget. Last year at this time, revenue was at \$357,963.26 and expenditures were \$637,770. The City should be receiving a portion of the real estate tax revenue by the end of March. Pension plans continue to drop in market value.

LEGISLATIVE ACTION  
Award of Bids  
St. Marys Airport  
Industrial Park  
Project (rebid)

The following ten bids were received for the St. Marys Airport Industrial Park project. Bids were opened during a public meeting held on March 12, 2008 at 11:00 a.m. at City Hall.

Francis J. Palo, Inc.....	\$1,832,831.00
Continental Construction.....	\$1,843,740.50
Dave Roman Excavating.....	\$1,941,755.00
Macson.....	\$1,994,767.00
Glenn O. Hawbaker, Inc.....	\$1,970,862.90
HRI, Inc.....	\$2,003,421.00
Clearwater Construction.....	\$2,045,406.50
New Dominion Const., Inc.....	\$2,052,748.51
Mortimer.....	\$2,123,984.00
Five-R Excavating.....	\$2,131,448.85

Manager Greene stated a letter was received from Gannett Fleming. The letter stated after reviewing the bids for the St. Marys Airport Industrial Park project, they felt the low bidder, Francis J. Palo, Inc., is fully qualified to perform the construction activities as detailed in the construction drawings and technical specifications for this project. They recommended that a "Notice of Award" be issued to Francis J. Palo, Inc.

Sean Gabler made a motion to award the bid to Francis J. Palo, Inc. in the amount of \$1,832,831., seconded by Mayor Geyer, and all were in favor.

CITY OF SAINT MARYS COUNCIL WORKSESSION

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**Subdivision Application**  
Mary Rose Cheatle  
Estate, Muenster Rd.

A minor Subdivision Application was presented for the Mary Rose Cheatle Estate, Muenster Road. This subdivision proposes to divide a 1.010 acre lot from a 3.010 acre parcel for the purpose of a side lot addition to an adjoining property owner. The residual parcel is 2.00 acres and contains a single family dwelling with on-lot sewage disposal. The receiving parcel also contains a single family dwelling with on-lot sewage disposal. No new building lots will be created and non-building waivers have been submitted.

Thomas Farley made a motion to approve the Mary Rose Cheatle subdivision, seconded by Richard Gabler, and all were in favor.

**Land Development Application**  
Elk Conservation  
District

A Land Development Application was presented for Elk Conservation District for property located southwest of the West Creek Road/Wilson Road intersection. The proposed uses are; a wetland learning center, pavilion, boardwalk, observation deck, and a walking trail.

Tim Gourley,  
Dietz-Gourley  
Consulting

Tim Gourley, of Dietz-Gourley Consulting, explained that all the previous issues of the St. Marys Planning Commission have been addressed, such as: east side property line issues; illegal motorized vehicle use; after hours activities, and the Lease Agreement.

Thomas Farley questioned if parking will be available, if the issue of the proposed access between Lot No. 1 and Lot No. 2 has been resolved, and will the road be gravel. Tim Gourley responded yes to all of Mr. Farley's inquiries.

Kim Lanich,  
Elk County  
Conservation  
District

Kim Lanich, ECCD, stated the City Police regularly patrol the area as part of their normal route and she also felt all of the Planning Commission's issues have been resolved.

Dennis Nero made a motion to approve the Land Development Application, seconded by Steven Skok, and all were in favor.

**TOPIC FOR DISCUSSION**  
LERTA Applications  
Executive Session held

Solicitor Mark Jacob requested that an Executive Session be held concerning the LERTA Applications.

Reconvened

Mayor Geyer reconvened the meeting stating the Executive Session was held regarding legal matters. No decisions were made.

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LERTA Application  
for Advanced  
Recycling Equipment

Sean Gabler made a motion to approve the LERTA Application for Advanced Recycling Equipment. The motion was seconded by Richard Gabler.

Sean Gabler stated the City was advised by the County's Assessor that the County will not approve the LERTA Application for Advanced Recycling. Mr. Gabler wanted to make it clear that we are having trouble with LERTA because of last year's issue with Sheetz. Shortly after Sheetz pulled their application, the City did ask for a meeting with the County and the School District.

Mr. Gabler read the following excerpt from a letter dated April 16, 2007 from the Commissioners, "When we have obtained sufficient data on these issues, we will be pleased to meet with any municipality to discuss the LERTA Program and other economic development activities". Mr. Gabler stated had this meeting taken place, this would not be an issue right now.

Richard Dornisch stated the details are clear as to what an applicant must abide by and if the rules are not complied with, it is plain and simple it can not be approved by Council. He added the City looks at the applications first before the School District and the County. He felt the regulations were not met by the applicant.

Application denied  
by Majority Vote

Sean Gabler voted to approve the LERTA Application. Messrs. Steven Skok, Thomas Farley, Dennis Nero, Richard Dornisch, Richard Gabler, and Mayor Geyer opposed the approval of the application. The application was denied by majority vote.

LERTA Application for  
Joelcole Development

Thomas Farley made a motion to approve the Joelcole Development Application. The motion was seconded by Mayor Sally Geyer. The Mayor explained Joelcole is Industrial Steel & Pipe.

Manager Greene explained the same comments apply to the Joelcole Development and Industrial Steel and Pipe as applied to Advanced Recycling Equipment. The application was made after construction had already begun on the building.

Sean Gabler felt the City should review their LERTA Ordinance because it leaves room for opinions.

Application denied

After a discussion, all members of Council voted to deny the application.

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Memo from Michael  
Mullaney re:  
Purchase of Equipment

Thomas Farley asked, via e-mail, that Council bring their copy of a memo from Michael Mullaney, Public Works Director, to the meeting concerning possible purchase of equipment and asked that it be placed on the agenda. The memo is regarding the possible purchase of a new grader, pick-up truck, and a small dump truck.

Mr. Farley stated during Council's budget meetings last fall, we approved a \$200,000. budget line item for a grader, pick-up truck, and possibly a small dump truck. During the budget meeting, the Street Superintendent stated the City should get a significant amount for the trade-in of our grader.

In the Memo from the Public Works Director dated March 13, 2008, it stated two graders have been field tested, a John Deere, and a Cat. A third one, a Volvo, will also be tested next week. The memo noted that the cost of the grader would be \$110,000. leaving \$90,000. left of the \$200,000. budgeted amount. The memo further stated, thru the State Wide Purchase Program, the City may be able to purchase a pick-up truck and a small dump truck for less than \$90,000.

Mr. Farley felt that as long as the \$200,000. budgeted line item is not exceeded, Council should not be micro-managing what the Street Superintendent feels he needs. He stated if the Street Superintendent can purchase a grader, pick-up truck, and a small dump truck all for \$200,000, or less then he should go ahead and do it.

Manager Greene was informed to grant permission to the Public Works Director to purchase the grader for \$110,000. with a trade-in value.

**CITIZEN COMMENTS ON  
NON-AGENDA TOPICS**

Rob Dixon,  
DD's Bakery

Rob Dixon, of DD's Bakery, read a prepared statement with added comments, expressing his dissatisfaction with the current parking situation in the downtown area. He stated there is not enough parking for his customers.

Darlene Distler  
DD's Bakery

Darlene Distler, of DD's Bakery, also expressed her dissatisfaction regarding the parking situation in the downtown area.

Manager Greene stated hopefully the City will get the Industrial Steel site sometime in May. The buildings will be razed in twelve working days and that possibly this area could be converted into

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parking spaces until construction on the parking garage begins in September. He noted the City is trying to find alternate parking for vehicles now parking in the Depot Street Parking Lot. If this can be done, the meters in the lot could be changed to two hour parking.

Manager Greene stated he will make some improvements to the new permit parking area by adding gravel for a walkway.

It was suggested that all the businesses in the area should be contacted, get their ideas, and then come-up with a comprehensive plan that will help everyone.

Richard Dornisch stated there are a lot of available parking areas about three blocks away but how can you get people to use them?. He mentioned the Historical Society parking lot, when the society is closed.

Dennis Nero stated the City needs to communicate more with business owners to try and alleviate some of the problems. He felt this was the Manager's job not Council's. He also stated citizens have the right to come to Council meetings to express their concerns.

Jeff Buchheit,  
Smith's Sport Store

Jeff Buchheit, Smith's Sport Store, also addressed Council concerning the parking problem. He supported the shortening of the time limit of the parking meters.

Warren Stewart,  
Stewart Jewelers

Warren Stewart, Stewart Jewelers, expressed his concerns with the parking situation. He felt this problem should have been taken care of before business owners had to complain. He stated he was unaware that the parking garage was not going to be built first.

Manager Greene noted Mr. Stewart attended all of the meetings regarding the downtown projects and all the information was available to him.

After a very lengthy discussion between Council and visitors, Mayor Geyer thanked the visitors for attending and expressing their concerns.

## COUNCIL COMMENTS

There were no Council comments.

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Executive Session                    Thomas Farley requested an Executive Session be held at this time regarding personnel matters.

Reconvened                            Mayor Geyer reconvened the meeting after the Executive Session. No decisions were made.

**ANNOUNCEMENT**                    Mayor Geyer made the following announcement:

    - Next Council meeting will be held on April 7, 2008 at 7:00 p.m.

**ADJOURNMENT**                        Dennis Nero made a motion to adjourn the meeting.

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Mayor

Shirley Dicklas  
Recording Secretary