

**CITY OF SAINT MARYS COUNCIL WORKSESSION**

**NOVEMBER 2, 2009**

**CALL TO ORDER**

A Council worksession of the City of Saint Marys was called to order by Mayor Sally Geyer on Monday, November 2, 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 October 30, 2009, posted at City Hall, and published in the Daily Press.

**ROLL CALL**

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

**VISITORS**

Visitors included: Ken Young, Lad Kornacki, Dan Hepner, Matt Pfeufer, Richard Sadley, Warren Stewart, Don Beimel, Sam Shefcyk, and Jim Groll.

**APPROVAL OF MINUTES**

October 19, 2009

Correction: Under Citizen Comments on Agenda Topics (continued) Nathan Catalone should have been Mason Catalone. Dennis Nero made a motion to approve the minutes of October 19, 2009, with noted changes, seconded by Sean Gabler, and all were in favor.

**CITIZEN'S COMMENTS ON  
AGENDA TOPICS**

Mayor Geyer stated anyone interested in speaking on the Sign Ordinance would be given an opportunity during the Topics for Discussion portion of the agenda.

**LEGISLATIVE ACTION**

**Award of Bid; Sale of Used Truck**

The following bids were opened for the "Sale of Used Truck" during a public meeting on Monday, October 26, 2009 at 2:00 p.m. at City Hall.

Bucktail Motors, St. Marys - \$1,687.69

Tom Peles, Ridgway - \$1,857.00

Schneiders Auto Repair, St. Marys - \$1,625.00

The bid was advertised on October 12, 2009 and October 15, 2009 in the Daily Press.

Mike Mullaney, Public Works Director recommended the bid be awarded to Tom Peles of Ridgway.

**Motion Passed**

Sean Gabler made a motion to award the bid to Tom Peles of Ridgway for a total of \$1,857.00, seconded by Thomas Farley, and all were in favor.

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**Resolution No. 09-23**

Consider for adoption; Elk County  
Flood Hazard Mitigation Plan

Resolution No. 09-23 was presented for adoption of the Elk County Flood Hazard Mitigation Plan.

Manager Greene stated this plan has already been adopted by the County and each municipality has to approve the plan in order for the residents to be eligible to receive federal disaster funds, if those funds were made available because of flooding.

**Motion Passed**

Tom Farley made a motion to approve Resolution No. 09-23, seconded by Richard Dornisch, and all were in favor.

**Ordinance No. 253**

Consider for publication; Amending the  
Board of Health Ordinance

Ordinance No. 253 was presented for consideration to publish to amend Chapter 1, Part 1, Paragraph J, Section 203 of the St. Marys City Code and Chapter 10 of the St. Marys City Code to expand the powers of the Health Board and to establish penalties and remedies for the violation of any orders, rules or regulations issued by the Health Board.

**Motion**

Dennis Nero made a motion to publish Ordinance No. 253, seconded by Steven Skok.

**Discussion**

Mr. Dornisch stated the language of the Ordinance is misleading in its statements and in contention with the fourth Amendment in regards to entering a premise. He requested if a "rider" could be added to revisit it again in six months and then see if it would still be necessary.

Manager Greene stated the Board of Health, the State and Mr. Tom Wagner developed this Ordinance.

Mark Jacob explained the Ordinance was drafted by Mr. Wagner and he would attend the next meeting to answer any questions Council may have. He also stated any entering of a premise would be subject to citizens Constitutional Rights.

Mr. Farley stated the current code book already has similar language and the additional language would be for penalties, appeals, and remedies.

After further discussion, Council agreed to place the ordinance on a future agenda and obtain further

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explanation from Mr. Wagner and the Board of Health.

**Motion Denied**

All were in favor to oppose the motion to publish Ordinance No. 253.

**Appointment of City Delegates to the Elk County Tax Collection Committee**

Manager Greene explained the State approved legislation that will create a limited number Earned Income Tax Bureaus. There will be one Bureau for Elk County, representing 12 municipalities and 3 school districts. Council will need to appoint a delegate and an alternate delegate to represent the City on the Committee. Manager Greene recommended that he and Carol Muhitch, Finance Director be appointed.

**Motion Passed**

Sean Gabler made a motion to appoint David Greene as the delegate and Carol Muhitch as the alternate delegate to the Elk County Tax Collection Committee, seconded by Thomas Farley, and all were in favor

**TOPICS FOR DISCUSSION  
Revisions to the Sign Ordinance  
Motion**

Dennis Nero made a motion with the following additional revisions to the Sign Ordinance:

Under Permanent Sign Requirements; Under Sign Type: Add the following: Including any temporary signs and special event signs.

Under Maximum Permitted Number: Change to unlimited.

Under Maximum Permitted Sign Area: Change to 200 square feet total.

Under Temporary Sign Requirements: Delete the following: Maximum Permitted Number, Maximum Permitted Sign Area, Maximum Height/and Minimum Required Setback for Freestanding Signs, Maximum Height of Flat Wall Signs, Maximum Height of Wall/Roof Projecting Signs, Maximum Projection from Wall/Roof for Projecting Signs, and Permitted Zones.

The following information would remain: Other Requirements and Permit Required would remain, but Permit Required would be changed to Yes, but no fee. Special Event and Temporary Sign area would be

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included in the aggregate business sign square footage allotment as described in Permanent Sign Requirements.

The fee schedule changed to reflect the Special Event/Temporary Sign permit required, but no fee charged.

Business district off premises sign definition should state: A sign on your business property advertising for another business, not on City right-of-ways. The square footage would be deducted from the 200 square feet total area allowed.

The Zoning District changed to Highway Commercial, Central Business, Limited Industrial, and Industrial. Permanent sponsorship signs would be permitted for non-profit organizations and for government purposes and would be at the discretion of the City Manager and City Council after being presented at a Zoning Hearing.

The motion was seconded by Sean Gabler.

**Discussion**

Mr. Dornisch explained a local business had signs to be displayed on their building, but could not because of the restrictions of the current sign ordinance.

Mayor Geyer questioned if there was not going to be a fee for a temporary sign then why would a permit be required? Mr. Nero explained the permit would keep track of the signs in case of a complaint.

Sean Gabler suggested the fee schedule be changed for a Zoning Hearing to make it affordable for all businesses.

Steven Skok inquired if the wording would be changed for off premises signs to not limit the business to be within the boundaries of the City of St. Marys?

Don Beimel

Mr. Beimel stated the revisions that were suggested by Mr. Nero would be the most passable version of revisions to the sign ordinance possible. Most of the business owners that he spoke with were happy with the 200 square feet total.

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**Amended Motion**

Mr. Nero amended his motion to add the following wording: 315.1.19 revised and current: Remove- All signs must relate to the use or activity that is located or conducted in the City of St. Marys. Sean Gabler seconded the amended motion.

Warren Stewart

Warren Stewart spoke as a committee member and stated the current revisions should go back to the Planning Commission for their review.

Solicitor Jacob

The Solicitor stated the language would need to be adapted in order to prepare a final draft.

**Second Amended Motion Denied**

Dennis Nero amended his motion to accept his above listed revisions and direct the Solicitor to prepare a new draft. Sean Gabler seconded the amended motion. Thomas Farley, Mayor Geyer, Steven Skok and Richard Dornisch were opposed. Sean Gabler, Richard Gabler, Jr., and Dennis Nero were in favor. Motion denied, four opposed and three in favor.

**CITIZEN COMMENTS ON NON-AGENDA TOPICS**

Don Beimel requested the revised draft of the sign ordinance when it was available.

**COUNCIL COMMENTS**

Thomas Farley stated he received a very positive comment from a resident on the recent traffic pattern changes to the Arch Street intersection. The resident commented it is now a safer intersection to travel through.

Mayor Geyer stated tomorrow is election day and there are numerous local positions to vote on. She recommended residents exercise their right to vote.

**ANNOUNCEMENTS**

Mayor Geyer made the following announcements:

- The next Council meeting will be Monday, November 16, 2009, at 7:00 p.m. at City Hall.
- Council budget workshops are scheduled for Wednesday, November 4, and Thursday, November 5, Monday, November 9, and Thursday, November 12 at 6:30 p.m. at City Hall. The public is invited.

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- An Executive Session will be held immediately following adjournment of this meeting regarding Real Estate.

## ADJOURNMENT

Thomas Farley made a motion to adjourn the meeting.

  
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Recording Secretary

  
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Mayor