

CITY OF SAINT MARYS REGULAR COUNCIL MEETING

OCTOBER 15, 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, October 15, 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 October 11, 2012, posted at City Hall and published in the Daily Press.

PLEDGE TO THE FLAG**ROLL CALL**

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

VISITORS

Visitors included: Fred Haas, Mike Lecker, Chairman of the Planning Commission, Tom and Emily Landis, Bruce Gerber, Joseph Gerber, of Swissmont Nursery, LLC, Elizabeth Williams, Angie Meyer, Richard Sadley and Warren Stewart.

Matthew Pfeufer, Zoning Officer, did not sign in.

APPROVAL OF MINUTES
October 1, 2012

Daniel Hepner made a motion to approve the minutes of October 1, 2012, seconded by Bob Roberts and all were in favor, except Gregory Gebauer, who abstained.

**CITIZEN COMMENTS ON
AGENDA TOPICS**

There were no citizen comments on agenda topics.

MANAGER'S REPORT

September 19- Manager Greene attended a seminar presented by West Penn Power to learn more about the program to convert the City's Metal Halide Victorian Streetlights to the new LED retro fit lights to save energy costs.

September 19- Manager Greene attended a meeting of the Elk County Earned Income Tax Committee held in Fox Township.

September 25- Manager Greene and members of the Pension Committees attended a meeting with Jeff Davidek from C.S. McKee to discuss changes to pension investment portfolios.

September 26- Tina Gradizzi and the Manager met with representatives from the St. Marys Heritage Group to discuss plans for the vacant building located on Erie Avenue.

September 26- Councilmen Roberts, Hepner and the Manager attended the Elk County Township Supervisors Convention held at The Royal Hotel in Ridgway.

September 28- Manager Greene attended the Ribbon Cutting and tour of the new Dickinson Center in Ridgway.

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October 3- Carol Muhitch and the Manager attended a seminar held at the St. Marys Insurance Agency to learn more about a new program called OneTouch.

Discussion

Mayor Geyer questioned the vacant building on Erie Avenue and Manger Greene explained the vacant building on Erie Avenue was the former Sam's Men Store. The building was being considered for demolition, since the estimates to renovate/restore the building were approximately \$600,000. The City was working with the St. Marys Heritage Group to acquire the necessary funding.

APPROVAL OF EXPENDITURES
Motion

Richard Dornisch made a motion to approve the Expenditures from September 14, 2012 to October 13, 2012, seconded by Daniel Hepner.

Discussion

Nedward Jacob questioned a line item regarding sidewalk and curb replacement on S. St. Marys Street and Manager Greene responded the item was for the replacement of only the City portion of the curb and sidewalk.

Nedward Jacob questioned a line item regarding lawn mowing of private property on S. Michael Road and Manager Greene responded if the owner cannot be contacted and there are complaints received regarding high grass the City will contract the mowing and then lien the property for reimbursement of the expense plus the cost to file the lien.

Mayor Geyer questioned a line item regarding the inspection of ladders for the Fire Department and Manager Greene responded it was a mandated inspection.

Gary Anderson questioned if the City considered the total cost of vehicle life when the police car was purchased and Manager Greene responded yes.

Gregory Gebauer questioned a line item regarding the purchase of a toaster oven and Manger Greene responded he would get an answer as soon as possible.

Motion Passed

All were in favor to approve the Expenditures.

TREASURER'S REPORT

Mayor Geyer gave the following Treasurer's Report as of September 30, 2012:

Revenues collected for the General Fund were at 81 percent of budget, down from last year of 85 percent but in 2010 revenues collected were at 80 percent. General Fund Expenditures were at 70 percent of budget and for last year were at 71 percent and 68 percent in 2010. Real Estate tax revenue was at 95.68 percent of budget and last year at this time was at 95.98 percent. The Pension Plans market values had increased in value since last year at this time.

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LEGISLATIVE ACTION:

Subdivision Applications:

Thomas and Emily Landis, S. Paul
Road

A subdivision application was submitted from Thomas and Emily Landis for property located on S. Paul Road. The subdivision proposes to divide a 3.334 acre lot (Lot 1) from a 7.535 acre parcel (Residual Lot) for the purpose of a new building lot. Lot 1 will be served with public water and private sewage disposal, a Component 1 Planning Module was also included. The residual lot will be consolidated into an adjoining parcel with an existing single family dwelling served by public water and private sewage disposal. The subdivision is in compliance with the Zoning Ordinance. The Planning Commission had no comments on the subdivision.

Motion Passed

Bob Roberts made a motion to approve the Thomas and Emily Landis Subdivision, seconded by Nedward Jacob and all were in favor.

Elizabeth A. Forster, E. Eschbach Road

A subdivision was submitted from Elizabeth A. Forster for property located on E. Eschbach Road. This subdivision proposes to divide a .389 acre lot (Lot 1) from a .891 acre parcel (Lot 2) for the purpose of a new building lot. Lot 1 will be retained by the original owner and a single family dwelling will be constructed on it. Lot 2 with the existing single family dwelling will be conveyed to the property owner's daughter. The proposed lot will be served with public water and public sewer. There is a 15ft right-of-way serving Lot 1. The applicant does not own any adjacent properties. The subdivision is in compliance with the zoning ordinance. There were two minor typos in the deed descriptions, which were corrected. The Planning Commission had commented that there is no Elk County Planning Commission signature block on the map and needs to be added. The revised maps were received October 10, 2012.

Motion Passed

Richard Dornisch made a motion to approve the Elizabeth A. Forster subdivision, seconded by Nedward Jacob.

Discussion

Mayor Geyer questioned the location of the subdivision and Manager Greene explained it was near the Elk County Humane Society

Motion Passed

All were in favor to approve the subdivision.

Lavern Kreckel III, Windfall Road

A Subdivision application was presented from Lavern Kreckel III for property located on Windfall Road. This subdivision proposes to divide a 4.69 acre lot from a 6.61 acre parcel for a new building lot. The new lot has access to public water and sewer and will be accessed via a private 50 foot driveway owned by the applicant and Scott and Ann Reedy. The new lot complies with the zoning ordinance. The residual lot contains an existing single family dwelling with public water and public sewer. The Planning Commission had no comments on the subdivision.

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Motion Passed

Nedward Jacob made a motion to approve the Lavern Kreckel III subdivision, seconded by Gary Anderson and all were in favor.

TOPICS FOR DISCUSSION:

Swissmont Nursery Land Development,
1319 Rosely Road

A Land Development application was presented from Swissmont Nursery for property located at 1319 Rosely Road. This land development proposes to construct a 30' X 40" storage building for a retail nursery and landscaping service business. The building is not proposed to be open to the public. The impervious area is under the stormwater management threshold. The building and use complies with the zoning ordinance. The Planning Commission had no comments on the land development. This was for information purposes only.

Bob Roberts thanked the applicant for developing its property within the City.

Kaul & Hall Leases

Solicitor Wagner explained he had provided Council with copies of two proposed Deeds. The liquidating trustees of the Kaul & Hall Oil and Gas Company had previously submitted a proposal to Council regarding turning over any possible residual rights (Oil and Gas) of the Company to the City. At Council's March 19, 2012 meeting Council agreed to have the Solicitor pursue the offer.

Councilman Hepner commented it was unclear where the rights were currently located but in the future if there was an interest in leasing for Oil and Gas Development the title search would clarify the owner of those rights.

Solicitor Wagner commented he had previous encounters when the owner of the Oil and Gas rights are determined to be a business that no longer exists.

Motion

Bob Roberts made a motion to authorize the Manager and the Mayor to accept the Quit Claim Deeds on the City's behalf, seconded by Daniel Hepner.

Discussion

Solicitor Wagner explained the same issue will be presented to the Elk County Commissioners at their next meeting for their consideration and he believed it would be approved.

Motion Passed

All were in favor to approve acceptance of the Deeds.

Minor Zoning Ordinance Changes

Matthew Pfeufer, Zoning Officer, explained the changes presented were a continuation of the directions given by Council at their September 17, 2012 meeting. A response from the Planning Commission was provided to Council after their review of the Solicitor's comments regarding additional changes that were more substantive in nature that needed to be addressed separately from the list of technical changes.

The Planning Commission had one comment on the additional changes. Within the changes paragraph 28

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seemed to indicate that there were only three members of the Zoning Hearing Board when there are actually five (5) members and one (1) alternate. The current Ordinance specifies a quorum of the Board is two members. The Planning Commission suggested increasing the quorum from two to three to avoid the possibility of a tie-vote.

There was a brief discussion and the following motion was made.

Nedward Jacob made a motion to increase to a three (3) member quorum for the Zoning Hearing Board, seconded by Richard Dornisch and all were in favor.

Solicitor Wagner explained he had added the additional changes to the original draft of the Zoning Ordinance Changes and would add tonight's change to the draft.

Nedward Jacob requested additional changes to the Ordinance regarding a general term for powder metal and/or plastic manufacturing.

Richard Dornsich agreed.

Solicitor Wagner would review the request.

**CITIZEN COMMENTS
ON NON-AGENDA TOPICS**

There were no citizen comments on non-agenda topics.

COUNCIL COMMENTS
Councilman Anderson

Councilman Anderson questioned if there was any progress on the local wage tax collections and Manager Greene responded the bond company took over collections for the previous collector, Centax. Collections were still being received from Centax for 1st and 2nd quarter and Berkheimer was going to reconcile those quarters. Berkheimer was also now collecting 3rd quarter and assuming most of Centax's prior business. The process was a slower process than originally anticipated.

Councilman Roberts

Councilman Roberts was thankful for the timely repair of the Vine Street/S. St. Marys Street intersection.

Retirement of Ron FinGado, Boys and Girls Club

Mayor Geyer commented Ron Fingado from the Boys and Girls Club retired after 35 years of service and she wished him well.

Councilman Jacob

Councilman Jacob requested a list of the budget codes (chart of accounts) and Manager Greene responded it would be included in the budget book or it could be sent to him. Councilman Jacob also asked when Council would receive the budget and Manager Greene responded October 30th.

ANNOUNCEMENTS

Mayor Geyer made the following announcements:

- The next Council worksession will be held Monday, November 5, 2012 at 7:00 p.m. at City Hall.

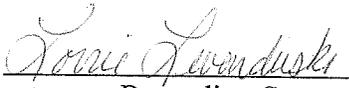
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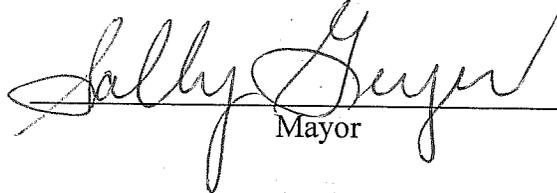
- Trick or Treat will be held on Wednesday, October 31, 2012 from 6:00 p.m. until 8:00 p.m.
- Budget Workshops were scheduled for Monday, November 5th, during the Council worksession and on Thursday, November 8th at 7:00 p.m.

ADJOURNMENT

Gary Anderson made a motion to adjourn the meeting.



Recording Secretary



Mayor