

CITY OF SAINT MARYS COUNCIL WORKSESSION

OCTOBER 5, 2015

- SWEARING-IN CEREMONY** The Honorable Richard Masson, President Judge, swore in the new City Manager Timothy J. Pearson.
- CALL TO ORDER** A Council worksession of the City of Saint Marys was called to order by Mayor Robert Howard on Monday, October 5, 2015 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 1, 2015, posted at City Hall, and published in the Daily Press.
- PLEDGE TO THE FLAG**
- ROLL CALL** Present: Mayor Robert Howard, Nedward Jacob, Gary Anderson, Lou Radkowski, Sally Geyer, Bob Mohr, Manager Timothy Pearson and Solicitor Thomas Wagner. Gregory Gebauer was excused.
- VISITORS** Visitors included: Kurt Nesbitt, Janet Krug, Tina Gradizzi, Katie Weidenboerner, Amy Cherry, Jeff Smith, Howard Lepovetsky, Lisa Lepovetsky, John Feldbauer, Bill Kraus, Warren Stewart, June C. Glass, Mike Brock, Art Colaprete, Paul Fleming, Richard Sadley, Ken Young, Bonnie Pearson and Dan Vollmer.
- APPROVAL OF MINUTES** September 21, 2015 and September 29, 2015
Motion Passed
Sally Geyer made a motion to approve the minutes of September 21, 2015 and September 29, 2015, seconded by Gary Anderson and all were in favor.
- ADDITIONAL TOPICS FOR DISCUSSION:** There were no additional topics added to the agenda.
- CITIZEN COMMENTS ON AGENDA TOPICS** There were no citizen comments on agenda topics.
- LEGISLATIVE ACTION:**
Approval of 2013/2014 CDBG modifications
Tina Gradizzi, Community and Economic Development Coordinator stated as explained in the Public Hearing held immediately prior to tonight's Council meeting she was requesting approval of the 2013/2014 CDBG modifications. The modifications for the multi-year project was a change from Charles Street to Mertz Avenue.
Gary Anderson made a motion to approve the 2013/2014 CDBG modifications, seconded by Sally Geyer and all were in favor.
- Approval of 2015 CDBG Project
Tina Gradizzi Community and Economic Development Coordinator, stated as explained in the Public Hearing held immediately prior to tonight's Council meeting, she was requesting approval of the 2015 CDBG Project. The project was a multi-year project of a sewer line replacement and road improvements for Mertz Avenue with 18 percent for administration. The allocation for 2015 was \$274,000 and all required plans were updated.
- Motion Passed
Sally Geyer made a motion to approve the 2015 CDBG projects as stated, seconded by Bob Mohr and all were in favor.
- Request from Elk County Humane Society for free parking
Mayor Howard stated a request form the Elk County Humane Society was received for free parking during their

CITY OF SAINT MARYS COUNCIL WORKSESSION

OCTOBER 5, 2015

annual fund raising event on Saturday, October 24, 2015.

Howard and Lisa Lepovetsky provided the following details:

Free parking along Erie Avenue, within the Depot Street Municipal Parking Lot and the Parking Garage from 4:00 p.m. until 10:00 p.m.

It was determined the meter enforcement along Erie Avenue and within the Depot Street Municipal Parking Lot was until 8:00 p.m.

Motion Passed

Sally Geyer made a motion to approve the above request, seconded by Nedward Jacob and all were in favor.

TOPICS FOR DISCUSSION:
Recreation Board Budget

Kurt Nesbitt, Janet Krug and Dan Vollmer presented Council with information regarding the Recreation Board budget. They provided a list of projects and a copy of their tentative budget. They explained the list of projects the Board had determined as necessary to maintain the integrity of the parks and believed their budget did not allow enough for capital improvements.

Council and the attending board members discussed the list of projects, obtaining additional grant funds, the maintenance costs of Playland, and the age of the pool, future plans for the pool, pool memberships, pool attendance and user fees.

Council thanked them for their update.

Crystal Fire Department Budget

Jeff Smith, Secretary of the Crystal Fire Department Board of Directors and Bill Kraus, Fire Chief of the Crystal Fire Department provided a packet of information regarding the department's budget and the possible purchase of a new truck. They explained they have saved for capital purchases but have determined in order to purchase a new truck they were short \$117,000. They have been working with Tina Gradizzi exploring grant funding but it would not amount to the total needed. They described the age of their fleet of trucks and the necessary maintenance. They were requesting additional funds for the Fire Department to assist with the purchase of the new truck and for future purchases of necessary equipment, apparatus/trucks.

Council and Mr. Smith and Mr. Kraus discussed the request and the following motion was made.

Motion * correction – seconded by Bob Mohr (per October 19th, 2015 minutes)

Nedward Jacob made a motion to add two tenths (.2) millage to the Fire Protection Fund, seconded by Gary Anderson. * correction – seconded by Bob Mohr

Discussion

Council discussed the motion at length and the motion was restated.

Restating the Motion

Nedward Jacob made the motion to increase the Fire Protection Fund millage from 1.2 mills to 1.4 mills for the proposed 2016 budget.

Roll Call Vote – Motion Passed

On a roll call vote all were in favor. Motion Passed.

CITY OF SAINT MARYS COUNCIL WORKSESSION

OCTOBER 5, 2015

Code Book revisions – Chapters 5, 7, 10 and 21

Matthew Pfeufer, Zoning Officer and Code Enforcement Official, presented a list of changes/corrections to the City Code Book. Chapters 5, 7, 10 and 21 were being presented at tonight's meeting for Council's review and comments.

Council and Mr. Pfeufer discussed the following possible changes:

Chapter 5 Code Enforcement, Part 4 Consider adopting a Vacant and Abandoned property Registration (VAPR) ordinance that requires registration and bonding for most-likely offending properties. The Solicitor will need to review the information and draft a suggested ordinance.

Chapter 7 Fire Prevention and Fire Protection, Part 1 – In addition to Code Enforcement Officers also inform and educate the police about the ordinance provisions and direct enforcement to the police department, outside of normal business hours.

Chapter 7 Fire Prevention and Fire Protection Part 1 Outdoor Fires – change to “the zoning ordinance as may be adopted and amended”.

Chapter 10 Health and Safety, Part 2 – Eliminate Chapter 10 Part 2, since it can be enforced under Chapter 6, Conduct or specify in each section the enforcement agency.

Chapter 10 Health and Safety, Part 4 – remove the junked vehicle prohibition from Part 4, but keep the storage procedure.

Chapter 10 Health and Safety, Part 4 – Add a permit fee and develop an application form and staff procedures.

Chapter 21 Streets and Sidewalks – Develop an application form and procedure according to the City Code to track and inspect connections into the City stormwater systems.

Chapter 21 Streets and Sidewalks – Consider alternative installations for sidewalk construction.

Chapter 21, Streets and Sidewalks, Part 3 – Consolidate language into Part 5

Mr. Pfeufer will be presenting other portions and/or Chapters that require revisions and/or changes at future Council worksessions and the list will be presented in its entirety for Council's consideration.

Oil & Gas proposed ordinance revisions

Solicitor Wagner stated the Oil and Gas committee had met and suggested one revision to the current draft. He explained the current draft requires a horizontal driller to obtain a permit by way of the conditional use process. The process is conducted by City Council and they also conduct a public hearing and render a decision to issue a conditional use permit. It was suggested by a committee member instead to have the Zoning Hearing Board make the decisions. This was an alternative for Council to

CITY OF SAINT MARYS COUNCIL WORKSESSION

OCTOBER 5, 2015

consider. The conditional use process was for activity that affects the entire community and not just specific to one area. The Zoning Hearing Board would make these decisions via special exception. They would conduct a hearing and neighbors can attend and provide evidence of a negative affect which enables the Zoning Hearing Board to impose certain conditions.

Sally Geyer stated she understood that the drillers would be required to obtain a permit every time they intended to drill a new well and Solicitor Wagner responded it was his recollection the driller would obtain a permit only for each well pad, which could contain numerous well sites, unless they varied from the original plan or scope of the permit.

Solicitor Wagner stated the Zoning Hearing Board is required to advertise all hearings and post the property involved.

Gary Anderson commented in his opinion the Zoning Hearing Board has a reputation for being impartial and making legally correct decisions, contrary to Council's possible politically based decisions.

Solicitor Wagner stated he was ready to finalize the draft or the ordinance and start the adoption process. He requested Council's approval to move forward.

Motion

Sally Geyer made a motion to have the Solicitor start the process of drafting the ordinance, as discussed, with adding in the zoning provision. Gary Anderson stated he would add the amendment; the Zoning Hearing Board functions under this as a special exception instead of Conditional Use. Solicitor Wagner clarified the permits would be granted by special exception rather than conditional use.

Amended Motion

Gary Anderson and Sally Geyer amended their motion and second as stated above.

Discussion

Nedward Jacob stated he had reservations about it.

Art Colaprete

Art Colaprete questioned if the setback would be closer than 1000 feet and Solicitor Wagner responded nothing was being approved at this time and the setback was not going to change. Mr. Colaprete also questioned the "pivot" center hole because of the size of a well pad and Solicitor Wagner responded the committee discussed a number of minor similar revisions and he thought they would be done as part of the process, the big issue was the jurisdictional issues.

Lou Radkowski clarified this was only to direct the Solicitor to prepare the revised draft.

Mr. Colaprete questioned when the public hearing is held would changes still be allowed and Solicitor Wagner responded absolutely.

Mr. Colaprete stated his opinion on additional issues.

CITY OF SAINT MARYS COUNCIL WORKSESSION

OCTOBER 5, 2015

- Paul Fleming Paul Fleming questioned if the 1000 foot set back could be increased up to 2000 feet and stated he believed other City regulations were stricter than for Oil and Gas activity.
- Mike Brock Mike Brock agreed the 1000 setback was inadequate and questioned what the setback will be for private water supply and Solicitor Wagner responded without the draft in front of him he was unsure of the answer.
- Solicitor Wagner explained other setback requirements and the unlikeliness that frack water could contaminate surface water.
- Mr. Brock provided information of a chemical spill that contaminated ground water in Sweden Township and Solicitor Wagner responded Mr. Brock's point was well taken.
- Gary Anderson explained the municipal Water Authorities have certain rights for remediation of its watershed and suggested the St. Marys Water Authority have a water protection plan.
- Amended Motion Passed All were in favor to approve the amended motion.
- Council Committee Updates
Early Intervention Committee The new City Manager will be reviewing the recommendations.
- Emergency Management
Committee Manager Pearson stated as requested he was providing Council with a packet of information to update them on the Community wide notification systems containing quotes and cost breakdowns. He requested Council review the information then it will be placed on the next meeting agenda for their consideration.
- Oil & Gas Activity Committee Already discussed earlier.
- 2015 City Goals Committee The new Manager would be meeting with the committee.
- Capital Improvement Planning
Committee A procedure has been drafted and will be reviewed by the committee and the new Manager.
- Economic Development Committee No new updates.
- Liaison Committee between
Council and Acting City Managers Disbanded September 29th, 2015
- Search for new Manager
Committee Disbanded September 29th, 2015
- CITIZEN COMMENTS ON
NON-AGENDA TOPICS**
Warren Stewart Warren Stewart questioned when the Redevelopment Authority should present its budget and it was determined the Manager and his secretary will get it scheduled. Mr. Stewart commented on the bad road condition of Railroad Street.
- Tim Ruffner Tim Ruffner commented on the flooding on Fourth Street and stated he believed the abandoned rail bridge was too low and caused a backup, which contributed to the

CITY OF SAINT MARYS COUNCIL WORKSESSION

OCTOBER 5, 2015

flooding.

COUNCIL COMMENTS

Councilman Anderson

Councilman Anderson stated the Emergency Services and the City Street Department were owed a debt of gratitude for their response to the recent flooding. He believed it was the second 100 year flood event in the last two years. He also stated he had concerns with Grandview Road area residents reporting sewage backing up into their homes and suggested the City continue to take action and move forward with the I & I problems.

Councilman Mohr

Councilman Mohr commented he also had received complaints from Grandview Road residents.

Councilman Radkowski

Councilman Radkowski also thanked the Emergency Responders.

Councilman Jacob

Councilman Jacob congratulated the new Manager.

Councilwomen Geyer

Councilwoman Geyer also congratulated the Manager. She further commented the Elk County Humane Society will hold your pet in the event of flooding and you would have to leave your home.

Mayor Howard

Mayor Howard praised Emergency Management and the Fire Department.

ANNOUNCEMENTS

Mayor Howard made the following announcement:

- The next Council meeting will be Monday, October 19, 2015 at 7:00 p.m. at City Hall.
- "Trick or Treat" will be held Saturday, October 31, 2015 from 6:00 p.m. until 8:00 p.m. by porch light invitation only.

ADJOURNMENT

Gary Anderson made a motion to adjourn the meeting. Meeting adjourned at 9 :15 p.m.



 Recording Secretary



 Mayor