

CITY OF SAINT MARYS REGULAR COUNCIL MEETING

FEBRUARY 15, 2016

CALL TO ORDER

The regular monthly Council meeting of the City of Saint Marys was called to order by Mayor Robert Howard on Monday, February 15, 2016 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 February 11, 2016, posted at City Hall and published in the Daily Press.

PLEDGE TO THE FLAG**ROLL CALL**

Present: Mayor Robert Howard, Gary Anderson, Andrew Mohny, Gregory Gebauer, Lou Radkowski, Bob Mohr, Solicitor Thomas Wagner and Manager Timothy Pearson. Nedward Jacob was excused.

VISITORS

Visitors included: Jerry Bonfardine, Katie Weidenboerner, Amy Cherry, Tim Ruffner, Warren Stewart, Robert Lewis, Richard Sadley, Mike Brock, Paul Fleming, Chuck Abraham and Art Colaprete.

APPROVAL OF MINUTES
February 1, 2016
Motion Pas

Bob Mohr made a motion to approve the minutes of February 1, 2016, seconded by Lou Radkowsk and all were in favor, except Gary Anderson who abstained.

REPORT ON EXECUTIVE SESSIONS

Mayor Howard stated an Executive Session was held on Thursday, January 7, 2016 at 4:30 p.m., at City Hall regarding personnel matters. No decisions were made.

APPOINTMENT OF NEW
POLICE CHIEF – Thomas J.
Nicklas

Manager Pearson explained it was his honor and privilege to nominate Thomas J. Nicklas for the appointment as Police Chief for the City of St. Marys. He stated Sergeant Nicklas had the right experience, proven leadership and supervisory skills and the right vision to lead the Police Department for the future.

Motion

Bob Mohr made a motion to appoint Thomas J. Nicklas as the new Police Chief, seconded by Gary Anderson.

Roll Call Vote – Motion Passed

On a roll call vote all were in favor to appoint Thomas J. Nicklas as the new Police Chief.

SWEARING-IN CEREMONY

Mayor Howard swore in Thomas J. Nicklas as the new Police Chief for the City of St. Marys.

Newly appointed Chief Nicklas thanked members of Council, the Mayor and the Manager for this opportunity. He was honored and felt very fortunate to inherit a very well run department thanks to outgoing Chief Caltagarone. He looked forward to working with the very capable and professional Police Officers of the St. Marys Police Department and he was motivated to continue the tradition of excellent service. He also thanked his family for their support.

Chief Nicklas was given a lengthy round of applause and it was noted the former Chief of Police Caltagarone and numerous Police Officers of the City of St. Marys were in attendance for the ceremony.

CITIZEN COMMENTS ON AGENDA TOPICS

There were no citizen comments on agenda topics.

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MAYOR'S REPORT

Mayor Howard had nothing to report.

MANAGER'S REPORT

Manager Pearson stated his recent focus was the search for a new Police Chief and he was excited to work with Chief Nicklas.

Manager Pearson reported four new Street Department employees were hired and would be starting by the end of the month.

SOLICITOR'S REPORT

Solicitor Wagner reported the amendment to the Zoning Ordinance regulating Oil & Gas activities was on the agenda for adoption. He further reported he had consulted with the Manager regarding the appointment of the new Police Chief and on other City personnel matters.

TREASURER'S REPORT

Manager Pearson gave the following Treasurer's Report for January 31, 2016:

Revenue for the General Fund was at 1.5 percent of budget and Expenditures were at 6.7 percent of budget for January. Last year at this time the City collected 1.2 percent of budget for Revenue and expensed 5.6 percent of budget. Revenue will be low for the first few months of the year, since the Real Estate bills are not mailed until March 1st of each year. Market value in Pension Plans had decreased for January 2016 and had decreased from January 31, 2015. Earned Income collected for January was \$68,634 or 4.6 percent of budget and for January of 2015 the City collected \$58,111 or 4 percent of budget. Balances for January 1, 2016 were adjusted to actual with 2015 year end adjusting entries.

LEGISLATIVE ACTION:**Consider for adoption:**

Ordinance No. 296, re:
Amending Chapter 27 of the City Code, Zoning Ordinance regarding the regulation of Oil and Gas production activities

Mayor Howard stated Ordinance No. 296 amending Chapter 27 of the City Code, Zoning Ordinance regarding the regulation of Oil and Gas production activities was being presented tonight for adoption.

Manager Pearson explained the Public Hearing for the ordinance was held on December 21, 2015 and the ordinance was duly advertised.

Solicitor Wagner commented there comes a time when the ordinance will have to prove itself before the Zoning Hearing Board and the courts. He felt what had been drafted was a fair and balanced response to the issues that had been raised by the citizens and those involved in the Oil and Gas Industry. He further commented a note had been circulated to Council that contained allegations toward himself and he believed he should respond publicly to those allegations. He stated the allegation was that he was involved in a conflict of interest in giving Council advice regarding the adoption of the Oil & Gas ordinance. The individual alleging the conflict believed Solicitor Wagner represented people or companies who were involved in the Oil and Gas Industry. He stated the rules of professional conduct require whenever an attorney believes that they have a conflict of interest the attorney has an obligation to report it to the client which allows the client to make a decision whether or not the attorney can continue their representation. He stated during these proceedings he had never advised Council of a conflict of interest because there was no conflict. He stated he did not represent anyone that he

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was aware of that was engaged in the Oil and Gas business. He stated he provides services to clients that serve the Oil and Gas Industry by providing various ancillary services, but he does not represent anyone who would appear before the Zoning Hearing Board to make an application to drill a well. He further stated to the best of his recollection he did not represent anyone actively in consultation over Oil and Gas rights (property owner or the owner of Oil and Gas rights) located within the City of St. Marys.

Motion

Gary Anderson made a motion to adopt Ordinance No. 296, seconded by Lou Radkowski.

Discussion

Lou Radkowski questioned if any comments were received on the ordinance other than discussed by the Solicitor and Manager Pearson responded he was not aware of any.

Solicitor Wagner responded he did not receive any additional comments other than a request from Seneca Resource's attorney questioning if there was a meeting tonight since it was a federal holiday to which he responded yes.

Mayor Howard stated the committee and the Solicitor worked a lot of hours on the ordinance amendment and believed the committee has members with expertise on the subject. He believed nothing was missed and definitely not a conflict of interest for anyone involved.

Roll call Vote - Motion Passed

On a roll call vote all were in favor to adopt Ordinance No. 296. Motion passed.

Ratify Union Contract

Manager Pearson explained a tentative three year agreement (January 1, 2016 to December 31, 2018) was reached with the AFSCME Union and was approved by the members.

Roll Call Vote – Motion Passed

Lou Radkowski made a motion to ratify the Union Contract seconded by Andrew Mohny and on a roll call vote all were in favor.

Manager Pearson confirmed the changes will be incorporated into a new contract.

Subdivision Applications:
Robert L. and Jennifer Scolari,
State Street

A subdivision application was presented from Robert L. and Jennifer Scolari for property located on State Street. The subdivision proposed to subdivide a 4.03 acre lot (Lot 1) from a 33.031 acre parcel as a new building lot. There is an existing landscaping supply yard on Lot 1 with no utilities available. The residual parcel is vacant and proposed to remain so. Non-building waivers have been submitted for the new lot and the residual lot. The applicant is requesting a modification from the 50 acre survey requirement of the subdivision ordinance. The proposal of a storage building is not a permitted use in this zoning district so a variance would be required. The Planning Commission recommended approval of the subdivision with the condition that the corrected recordation plats be received which they were on February 3, 2016.

Motion Passed

Bob Mohr made a motion to approve the Robert L. and Jennifer Scolari subdivision application seconded by Gary Anderson and all were in favor.

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- Andrew Bobenrieth and Devin Stauffer, Wilson Road A subdivision application was presented from Andrew Bobenrieth and Devin Stauffer for property located on Wilson Road. The subdivision proposed to subdivide a 2.558 acre lot (Lot 1) from an 8.396 acre parcel as a new building lot. There were also two lot additions as a part of the subdivision. Parcel 13-13-011-1127 will be divided into two lots (Lot 1A and 2A) and consolidated into Lot 1 and an existing parcel owned by David Bobenrieth. A Component 1 planning module was included as part of the subdivision of Lot 1 and a non-building waiver for the residual lot. The Planning Commission recommended approval of the subdivision with no comments.
- Motion Passed Gary Anderson made a motion to approve the Andrew Bobenrieth and Devin Stauffer subdivision seconded by Lou Radkowski and all were in favor.
- William L. VanAlstine, Robin Road A subdivision application was presented from William L. VanAlstine for property located on Robin Road. The subdivision proposed to clean up some minor past land conveyance issues and separate one new lot as a separate building lot. The parent parcel is approximately 5.28 acres and has had many parcels subdivided from it throughout the years. Parcel A through G will be lot additions to existing parcels. Parcel 2 north of Robin Road was to be subdivided as a separate building lot and has access to public water and sewer. The Planning Commission recommended approval of the subdivision with one comment regarding correcting the deed description on Page 18, which was received February 3, 2016.
- Motion Passed Bob Mohr made a motion to approve the William L. VanAlstine subdivision, seconded by Andrew Mohney and all were in favor.
- Request from Red Cross Manager Pearson explained this was an annual request from the American Red Cross to allow its donors free parking by the display of a placard on their vehicle's dashboard for specific dates and times in the Depot Street municipal parking lot and areas surrounding the Moose Club.
- Motion Passed Gregory Gebauer made motion to approve the request seconded by Andrew Mohney and all were in favor.
- Appointment to Planning Commission Manager Pearson explained there was one vacancy left on the Planning Commission. A letter of interest was received and the Planning Commission had made a recommendation to appoint Jodi Foster.
- Motion Passed Gregory Gebauer made a motion to appoint Jodi Foster to the Planning Commission, seconded by Lou Radkowski and all were in favor.
- TOPICS FOR DISCUSSION:**
2016 City Goals Lou Radkowski explained the 2016 City Goals had been compiled and tied into the City's Mission and Vision Statement. The goals were expanded upon with specific suggested ideas to reach those goals. The goals were as follows:
- Promote Citizen Engagement
 - Enhance Community and Economic Development
 - Improve Government Operations

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A list of items suggested by Councilmembers was also attached. Council and the Manager discussed the goals.

Lou Radkowski asked Council to approve the 2016 City goals as a vote of confidence.

Motion Passed

Lou Radkowski made a motion to approve the 2016 City Goals as presented, seconded by Bob Mohr and all were in favor.

Lou Radkowski thanked fellow Councilmen Bob Mohr and Gary Anderson for their assistance.

**CITIZEN COMMENTS ON
NON-AGENDA TOPICS**

Paul Fleming thanked Council and the Solicitor for their work on the Oil and Gas Ordinance.

Jerry Bonfardine provided a brief history of the local Airport and stated his concerns with the future financial stability of the Airport and asked for Council's support for the Airport.

Council, the Mayor and the Manager discussed Mr. Bonfardine's concerns.

COUNCIL COMMENTS

There were no Council comments.

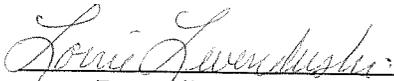
ANNOUNCEMENTS

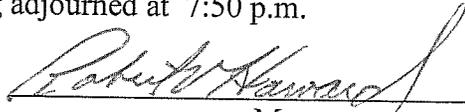
Mayor Howard made the following announcements:

- The next Council worksession will be held Monday, March 7, 2016 at 7:00 p.m. at City Hall.

ADJOURNMENT

Gary Anderson made a motion to adjourn the meeting. Meeting adjourned at 7:50 p.m.


Recording Secretary


Mayor