

CITY OF SAINT MARYS COUNCIL WORKSESSION

JUNE 6, 2016

- CALL TO ORDER** A Council worksession of the City of Saint Marys was called to order by Mayor Robert Howard on Monday, June 6, 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 June 2, 2016, posted at City Hall, and published in the Daily Press.
- PLEDGE TO THE FLAG** Wes Lion from Fox Township Boy Scout Troop
- ROLL CALL** Present: Mayor Robert Howard, Gregory Gebauer, Nedward Jacob, Lou Radkowski, Andrew Mohny, Bob Mohr, Manager Timothy Pearson and Solicitor Thomas Wagner. Gary Anderson was excused.
- VISITORS** Visitors included: Walter Stauffer, Katie Weidenboerner, Troy Feldbauer, Carol Muhitch, John Zelt, Tom Nicklas, David Brown, Tina Gradizzi, Torie Gradizzi, Priscilla Phillips, Warren Stewart, Ted Garner, Amy Cherry, Richard Sadley, Jimmy DeLullo, Lance and Karen Mohny, Chris and Michelle Casey, Sarah Casey, Robert Lion and Wes Lion.
- APPROVAL OF MINUTES**
May 16, 2016
Motion Passed Lou Radkowski made a motion to approve the minutes of May 16, 2016, seconded by Bob Mohr and all were in favor, except Nedward Jacob who abstained.
- REPORT ON EXECUTIVE SESSION:** An Executive Session was held following adjournment of Council's May 16th, 2016 meeting regarding real estate matters. No decisions were made.
- ADDITIONAL TOPICS FOR DISCUSSION:** There were no additional topics for discussion.
- CITIZEN COMMENTS ON AGENDA TOPICS** There were no citizen comments on agenda topics.
- LEGISLATIVE ACTION:**
Consider for adoption:
Resolution No. 16-9, re: Fair Housing
Resolution No. 16-9 was presented for adoption regarding Fair Housing.
Tina Gradizzi, Community and Economic Development Coordinator explained the Resolution was an annual requirement of the Community Development Block Grant Program.
- Motion Passed Nedward Jacob made a motion to adopt Resolution No. 16-9, seconded by Andrew Mohny and all were in favor.
- Resolution No. 16-10, re: Application fee for Police Department Applicants
Resolution No. 16-10 was presented for adoption amending the procedure for examination of applicants for appointment to the Police Department by adding an application fee. This Resolution amends Resolution No. 13-15.
- Motion Passed Nedward Jacob made a motion to adopt Resolution No. 16-10, seconded by Gregory Gebauer and all were in favor.
- Resolution No. 16-11, re: Amending the fee schedule to set an application fee for the Civil Service Examination
Motion Passed Resolution No. 16-11 was presented for adoption amending the fee schedule to set an application fee for Civil Service Examination. (\$25.00)
Nedward Jacob made a motion to adopt Resolution No. 16-11, seconded by Bob Mohr and all were in favor.

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Request from Elk County
Cruisers

Manager Pearson explained a request from the Elk County Cruisers to close the Bruxelles Street municipal parking lot on June 26th, 2016 from 11:00 a.m. until 4:30 p.m. was received.

Troy Feldbauer, representative of the Elk County Cruiser's further explained this was an annual event and because it is held on a Sunday there would be no loss of parking revenue.

Motion Passed

Gregory Gebauer made a motion to approve the request, seconded by Nedward Jacob and all were in favor.

Approval of sale of Airport land

Manager Pearson explained a Sales Agreement was signed with Triple D for the sale of Lot 9 in the Airport Industrial Park.

Motion

Nedward Jacob made a motion to approve the sale of Lot 9 in the Airport Industrial Park to Triple D Development, seconded by Bob Mohr.

Discussion

Nedward Jacob believed the sale was a good thing for St. Marys.

Andrew Mohny stated his concerns of the guidelines and questioned what type of business was going in on the lot.

Manager Pearson explained the buyer intends to develop the property with a "spec" building to be resold once completed. This would assist with interested buyers who do not have time to wait for construction of a building.

Solicitor Wagner further explained the zoning regulations would apply for a new business.

Manager Pearson explained the property has a covenant which would also apply to any new business.

Andrew Mohny believed the property could not be used as a speculation property or for storage units.

Solicitor Wagner stated he was not aware of those restrictions and Manager Pearson stated he would check the covenant.

Andrew Mohny stated he believed prior interested parties were denied due to restrictions that were stated at that time.

Manager Pearson responded since he was not previously involved with the sale of property at the Airport he encouraged anyone to contact him that was previously denied and still interested.

Solicitor Wagner stated the current buyer is intending to build a building for manufacturing.

Nedward Jacob questioned if the buyer could go to the Zoning Hearing Board to change the use of the property and Solicitor Wagner responded if there was building and use restrictions the Zoning Hearing Board could not change those restrictions, but it was important to know what those restrictions are on the property.

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Manager Pearson commented he believed it was in the City's best interest to move forward.

Motion Passed

All were in favor to approve the sale of Lot 9 in the Airport Industrial Park, except Andrew Mohny who opposed.

Commitment to host "Strong Towns"

Councilman Radkowski explained the information regarding the "Strong Towns" was presented at Council's last meeting. The request to commit to host the "Strong Towns" event was being presented tonight for Council's consideration. The commitment would be in the amount of \$4,500.00 from the Downtown Economic Development Fund.

Council and the Solicitor discussed the use of funds from the Downtown Economic Development Fund since some of Council had concerns that the use of funds did not fall under the current guidelines for the Downtown Economic Development Fund.

Solicitor Wagner stated since there is no legal encumbrance on the funds Council has the authority to change the proposed use of the funds with a majority vote.

Motion

Andrew Mohny made a motion to commit to host the "Strong Towns" and use the Downtown Economic Development funds, seconded by Lou Radkowski.

Roll Call Vote – Motion Passed

On a roll call vote all were in favor except Nedward Jacob and Gregory Gebauer who voted in the negative. Motion passed.

TOPICS FOR DISCUSSION:
Refunding of City Outstanding Debt – Bond Refinance

Manager Pearson explained this was a follow-up discussion regarding the refunding of the City's outstanding debt as a bond refinance. Representatives from two different Underwriter's had previously presented options at a Council meeting. Council at that time requested to compare new proposals with the same information. The following requested information was being presented at tonight's meeting:

Option 1 – Refund only – Upfront Savings

Option 2 – Refunding, new money with a three (3) year extension

Option 3 – Refunding, new money with a six (6) year extension

Carol Muhitch, Finance Director, explained there were no restrictions on the use of the savings amount, but the new money option had a restriction of use for only capital improvements and to be used within a three (3) year period.

Manager Pearson explained the City had a long list of projects to utilize with the new money options even with the restrictions. He further stated the rates were at a very favorable amount and the City's debt payment would stay the same.

Nedward Jacob was concerned with a "premium amount" being charged and requested an explanation and Carol Muhitch responded she would notify the Underwriter of the request.

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Solicitor Wagner was concerned with the new money restrictions and believed a project list must be submitted upfront and the funds utilized within the first three (3) years of the refinance.

Manager Pearson and the Finance Director will clarify the restrictions.

Lou Radkowski was concerned with the forecast in revenue and the responsibility of incurring new debt for the City.

Carol Muhitch confirmed the Debt Fund millage would stay the same.

Nedward Jacob requested Option 3 be formally presented.

Manager Pearson requested if Council wanted any other option presented and there was no additional comments.

Manager Pearson will present the formal proposals from both Underwriter's for Council's consideration at a future meeting.

Gregory Gebauer questioned if Council would approve the Capital Improvement Projects and Manager Pearson confirmed they would.

Engine Brake Retarders

Manager Pearson explained during the previous discussion regarding Engine Brakes, Council had requested an opinion from the Chief of Police which was being presented tonight along with the approval letter from PennDOT to place signage for Engine Brake Restriction and a letter from Jacobs Vehicle Systems[®] requesting not to refer to engine brakes as their trademark term of "JAKE BRAKE[®]".

Tom Nicklas, Chief of Police, asked for any questions on his response to Council regarding enforcement of an engine retarder restriction.

Nedward Jacob stated his concerns with the noise in residential neighborhoods. He further stated he understood enforcement costs would be extreme, but he believed other towns did not enforce the restriction.

Gregory Gebauer stated he disagreed with an engine brake restriction, since it was a safety feature on vehicles and he believed it was more of a noise issue and also believed the improperly muffled engine brakes were a nuisance.

Andrew Mohney stated he believed the pick-up trucks and motorcycles were more annoying than an engine brake.

Gregory Gebauer agreed with the suggestion of signage restricting the un-muffled engine brake, not the legally muffled engine brake. He also quoted language from the PennDOT CDL driver's manual.

Nedward Jacob agreed with the suggestion of restricting un-muffled engine brakes.

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Solicitor Wagner asked if the current vehicle code already prohibits the operation of an engine brake that is not properly muffled and Chief Nicklas responded yes, it addresses the muffling system.

Solicitor Wagner also asked if the vehicle code already has noise limits and Chief Nicklas responded yes, but under Title 67.

Solicitor Wagner asked if those current provisions in the vehicle code could be enforced by the Police Department and Chief Nicklas responded yes with a lot of time, training and equipment.

Solicitor Wagner explained signs at the outlying boundary of the City stating the City will vigorously enforce the vehicle code prohibitions against the un-muffled engine brake would be an appropriate sign and Chief Nicklas responded it would be difficult to enforce.

Solicitor Wagner agreed with the difficulty of enforcement and stated it would be as difficult as enforcing a City ordinance that covers the same subject. He further stated his point was, the City did not need to pass an ordinance to have the same noise reduction effect by posting a warning sign.

Nedward Jacob stated his concerns again of the truck using a loud brake in a residential neighborhood.

Gregory Gebauer stated he did not want to restrict law abiding citizens with properly muffled engine brakes.

Andrew Mohny re-stated his annoyance with other loud noises.

Chief Nicklas restated the difficulty of enforcement.

Gregory Gebauer listed the approved areas for signage and believed it would not provide noise reduction.

Manager Pearson stated since the signage was on state roads he would have to ask PennDOT to review any change to the suggested language for signage other than "Brake Retarders Prohibited Between Signs".

Solicitor Wagner confirmed the City could place restrictions on any city roads.

The following citizens stated opposition regarding an engine brake restriction:

Jimmy DeLullo, Mark Cunningham and Tom Straub.

The following were in favor of an engine brake restriction:

John Zelt, Dave Brown and Chris Casey.

Mayor Howard stated Council was not going to put together an ordinance tonight, but will take all the comments given tonight and try to come up with something that will improve the situation. Council was not about hurting the economics of trucking businesses. He believed the issue was the comfort and safety of the residents of the City.

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Political Signs on Diamond

Manager Pearson explained, as requested, he and City staff reviewed the sign ordinance regarding political signs. He was requesting Council provide details of the main issue they wanted to be addressed.

Gregory Gebauer stated during the festival political and other signs were placed on and around festival booths and he was told no signs were allowed on the Diamond. He thought an exception should be considered for the festival.

Manager Pearson stated there is nothing in City Code that restricts political signage on the Diamond, but since the Diamond is consider a City Park, historically they were not allowed in City parks or on City property. Also, the majority of the Diamond was a PennDOT right-of-way and railroad right-of-way.

Solicitor Wagner explained City property or parks were no different than private property, permission is needed before placing any signs on City or private property.

Manager Pearson will coordinate with the Bavarian Fall Festival and determine a solution for the 2016 festival for signage.

**CITIZEN COMMENTS ON
NON-AGENDA TOPICS**

Priscilla Phillips invited Council and all those interested to a gathering on the Diamond on June 9th at 5:00 p.m. to show appreciation to those who volunteer their time to water and maintain the flowers in the downtown area and to encourage others to help.

Lance and Karen Mohny owners of Tablespoons Café stated their concerns with weeds along Erie Avenue and the railroad tracks.

COUNCIL COMMENTS

Councilman Radkowski expressed his thanks to the LocoMotion group and AmeriCorps VISTA group on their work on a community garden and to all those who attended tonight's meeting.

Councilman Gebauer commented courtesy signage would be a better suggestion then an ordinance change with restrictions for engine brakes.

ANNOUNCEMENTS

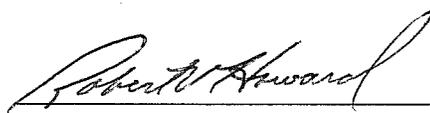
Mayor Howard made the following announcements:

- The next Council meeting will be Monday, June 20, 2016 at 7:00 p.m. at City Hall.
- An Executive Session regarding personnel matters will be held immediately following adjournment of tonight's meeting.

ADJOURNMENT

Lou Radkowski made a motion to adjourn the meeting. Meeting adjourned at 9:18 p.m.


Recording Secretary


Mayor