

## CITY OF SAINT MARYS REGULAR COUNCIL MEETING

AUGUST 18, 2014

**CALL TO ORDER**

The regular monthly Council meeting of the City of Saint Marys was called to order by Mayor Robert Howard on Monday, August 18, 2014 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 August 14, 2014, posted at City Hall and published in the Daily Press.

**PLEDGE TO THE FLAG****ROLL CALL**

Present: Mayor Robert Howard, Gary Anderson, Sally Geyer, Nedward Jacob, Gregory Gebauer, Lou Radkowski, Robert Mohr, Manager David Greene and Solicitor Thomas Wagner.

**VISITORS**

Visitors included: David Fox, Tina Gradizzi, Paula Weyant, Deb Young, Rick Wittman, Richard Sadley, Richard Gavazzi, Matthew Quesenberry, Mike Brock, Paul Fleming, Katie Weidenboerner, Colin Deppen, Warren Stewart, Todd Hanes and Mike Kamandulis.

**APPROVAL OF MINUTES**

August 4, 2014

Motion

Correction

Sally Geyer made a motion to approve the minutes of August 4, 2014, seconded by Gary Anderson.

Robert Mohr noted under Topics For Discussion: Update on Emergency Management Committee meeting; Change August 20, 2014 to August 28, 2014.

Motion Passed

All were in favor to approve the minutes with the above noted correction.

**CITIZEN COMMENTS ON AGENDA TOPICS**

There were no citizen comments on agenda topics.

**MAYOR'S REPORT**

Mayor Howard gave the following Mayor's Report:  
August 3 – Attended an Eagle Scout Court of Honor ceremony.

August 4 – Interview with Devin Clark from WJAC TV Channel 6 News to discuss the closing of the Giant Eagle Grocery Store.

August 5 – Attended the Opening of the Elk County Fair.

August 6 – Attended the Drug Awareness Task Force meeting.

August 11 – Met with Alan McPherson, Manager of the St. Marys Airport, the newly formed Civil Air Patrol.

August 12 – Attended the Elk County Mayor Association meeting.

August 15 – Attended a "rig tour" of the well site in Glen Hazel, along with Councilman Ned Jacob and Zoning Officer, Matt Pfeufer.

August 18 – Mayor and Councilman Greg Gebauer met with County Commissioners, June Sorg and Janis Kemmer at the Emergency Management Center.

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Gregory Gebauer questioned an update on finding another store to replace the Giant Eagle Store and Manager Greene responded there were a few prospects and one has already expressed their interest.

**MANAGER'S REPORT**

July 22- Attended the West Creek Rails to Trails meeting held here in St. Marys. The first 5 mile of trail from Emporium to Howard Siding in Cameron County will be completed by the end of August.

July 23- Attended the North Central Regional Planning and Development Commission meeting held in Ridgway.

July 24- Attended a meeting with PennDOT in reference to funding for Phase 2 of the West Creek Rails to Trails.

July 24- Attended the Northern Tier Community Action Corporation's Board of Directors meeting held in Emporium.

July 30- Met with Union representatives to review the Draft Employee Handbook.

July 30- Manager's meeting was held in St. Marys this month. Johnsonburg, Ridgway and St. Marys Managers meet each month for a luncheon meeting.

July 30- Attended the EMA meeting held here at City Hall.

July 31- Attended the pension meeting with Jeff Davidek from CS McKee.

**SOLICITOR'S REPORT**

Solicitor Wagner explained he had sent a memo to the Planning Commission regarding amendments to the City's Zoning Ordinance to address the Supreme Court decision regarding Act 13 and the sections of the Act that were considered unconstitutional. The Planning Commission will review and discuss the information at their next meeting.

**APPROVAL OF EXPENDITURES**

Motion

Sally Geyer made a motion to approve the Expenditures from June 15, 2014 until August 13, 2014, seconded by Lou Radkowski.

Questions

Manager Greene responded to questions from Council regarding the Expenditures.

Motion Passed

All were in favor to approve the Expenditures.

**TREASURER'S REPORT**

Mayor Howard gave the following Treasurer's report for July 31, 2014:

Total Revenue collected for the General Fund was at \$4.4 million and last year was \$4.5 million and in 2012 was \$4 million. Total Expenditures for the General Fund was at \$3.1 million and for last year was \$2.6 million and 2012 was \$2.8 million. Revenues collected for the General Fund was at 73 percent of budget and Expenditures were at 51 percent of budget. Last year Revenues were at 75 percent and Expenditures were at 43 percent of budget. Cash on

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hand for the Sewage Treatment Fund was at \$855,376.99 and in 2013 was at \$815,038.78 for a difference of \$40,338.21.

Gary Anderson commented on the high rate of Sewage billing delinquencies.

**LEGISLATIVE ACTION:**

Ordinance No. 291, re: Establishing standards and procedures for the management of storm water for land development in the City; and imposing penalties for violations.

Motion

Ordinance No. 291 was presented for adoption, establishing standards and procedures for the management of storm water for land development in the City; and imposing penalties for violations.

Robert Mohr made a motion to adopt Ordinance No. 291, seconded by Sally Geyer.

Discussion

Lou Radkowski questioned if PennDOT would be obligated to follow the rules within each municipality and Solicitor Wagner responded no.

Sally Geyer asked the Solicitor to summarize how this Ordinance would affect residents and businesses and Solicitor Wagner responded the City has already been effectively regulating storm water management for commercial and industrial development. This ordinance addresses residential development and will add certain requirements and standards for development.

Nedward Jacob questioned if the only change from the last revision was the requirement for the homeowner to fill out a stormwater application and Solicitor Wagner responded yes.

Gary Anderson commented the Treasure Lake area was the City's largest housing competitor, which is not subject to these state enforced and DEP enforced ordinances that Elk County has chosen to adopt and he believed it was unfair.

Sally Geyer agreed with Councilman Anderson and stated she believed Council had previously passed a Resolution stating their disagreement with the required stormwater management ordinance.

Nedward Jacob commented he believed the residents will request the City to take care of all of the stormwater, which will create additional costs for the City.

Solicitor Wagner responded the ordinance being presented tonight does not impose an obligation on the City with respect to existing surface water facilities, but any new development cannot add to an existing problem.

Nedward Jacob was concerned with retention ponds and Solicitor Wagner responded forward thinking would be necessary to deal with retention ponds in the future, i.e. bonding/escrow account or a property owners association.

Motion Passed

On a roll call vote all were in favor to adopt Ordinance No. 291.

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Resolution No. 14-14, re: Keystone Communities Public Improvement Grant Application

Resolution No. 14-14, was presented for adoption applying for a Keystone Communities Public Improvement Grant. The funds in the amount of \$492,000 would assist with the Charles Street Improvement Project.

Motion Passed

Gary Anderson made a motion to adopt Resolution No. 14-14, seconded by Nedward Jacob and all were in favor.

Resolution No. 14-15, re: Elk County Act 13 Funding application

Resolution No. 14-15 was presented for adoption applying for Elk County Act 13 Funding in the amount of \$10,000. This was a revised resolution for the next round of funding from the County, since the first application was not awarded.

Motion Passed

Sally Geyer made a motion to adopt Resolution No. 14-15, seconded by Nedward Jacob and all were in favor.

Update and approval of C.D.B.G. Program Income and Reuse Projects

Tina Gradizzi explained the previous C.D.B.G. Program Income and Reuse project was withdrawn and a new project was being presented tonight for Council's consideration. Ms. Gradizzi explained in a joint effort with the County of Elk Planning Department the amount of \$9,500 was being requested towards a housing rehabilitation project in the City.

Council and Richard Gavazzi, Elk County Housing Specialist discussed the request. Council had concerns/comments with long term upkeep of the property, if another City authority could administer funding, the constraints of the redevelopment district and how many projects the County had already completed within the City.

Motion

Sally Geyer made a motion to approve the C.D.B.G. Program Income and Reuse Project request, seconded by Lou Radkowski.

Discussion

Nedward Jacob questioned what funds were used to demolish the Dimitri building and Ms. Gradizzi responded 2010 C.D.B.G. funding.

Lou Radkowski questioned if there was a time limit of when the funding would expire and Ms. Gradizzi responded the funding has to be used before any other C.D.B.G. funding can be used.

Gregory Gebauer questioned what determines whether the Redevelopment Authority proposes a project first versus another entity and Ms. Gradizzi responded it depends on where the funds will be located.

Matt Quesenberry explained since the City is considered an entitlement entity it has the responsibility to administer the monies and the Council is also determining how the monies are spent. The County has the responsibility to administer its funding, but solicits projects from eligible municipalities. The City's Redevelopment Authority could request a part of the entitlement of the City's funding. Council could encourage its Authorities to request a portion of its annual entitlement of C.D.B.G. funding.

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Motion Passed All were in favor to approve the C.D.B.G. Program Income Reuse Project.

Update on WWTP application Lou Radkowski requested an update on the application for the funding for the Wastewater Treatment Plant and Ms. Gradizzi responded due to time constraints, it was determined not to submit the application.

Bavarian Fall Fest Requests Paula Weyant from the Bavarian Fall Festival Committee presented the list of annual requests for the Bavarian Fall Festival to be held on September 19, 20 and 21<sup>st</sup>.

The following areas for vendors: (Set-up will begin at 8:00 a.m. on Friday, September 19 and clean-up will be immediately following the closing on Sunday, September 21, at 3:00 p.m.)

- Municipal Lot (between Market Street and South St. Marys Street) and a closed portion of Market Street (from Fox's Pizza to the back parking lot of the Corner Restaurant- Lot to be closed at 2:00 a.m. on Friday morning)
- Parking along the east side (Gunners side) of the Boulevard and the grassy area on the boulevard
- Parking along Center Street in front the former Mullaney building – Meters to be bagged for Kid's Zone to be held Saturday from 10:00 a.m. until 6:00 p.m.
- Use of City electric, where needed and permission to upgrade the electrical box at the end of the Boulevard. (upgrade costs to be paid for by the Committee)
- Free Parking for the entire downtown area including the Parking Garage Friday, September 19th beginning at 8:00 a.m. and to continue thru Sunday, September 21st at 3:00 p.m.
- Waive the Open Container Law (plastic containers only) for the following locations, dates and times:  
Market Street (designated area) and the Municipal parking lot (between Market Street and S. St. Marys Street) on Friday, September 19th from 6:00 p.m. until 10:00 p.m. and on Saturday, September 20 from 2:30 p.m. until 10:00 p.m.
- Permission to decorate the parking meters throughout the downtown area.

Motion Passed Sally Geyer made a motion to approve the above listed requests, seconded by Gary Anderson and all were in favor.

Subdivision Applications:  
Patricia M. Wilson, Emmert Road A subdivision application was presented from Patricia M. Wilson for property located on Emmert Road. The subdivision proposed to divide a 1.1 acre lot from a 75.52 acre parcel as a lot addition to an adjoining parcel (Lot 19). Lot 19 is proposed to be sold, but no plans have been submitted as to its use. Lot 19 was originally subdivided in 1981 without a percolation test. The Planning Commission recommended approval of the subdivision with no comments.

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Motion Passed

Gary Anderson made a motion to approve the Patricia M. Wilson subdivision application, seconded by Sally Geyer and all were in favor.

Thomas Shields, Shields Road

A subdivision application was presented from Thomas Shields for property located on Shields Road. The subdivision proposed to subdivide a 25.78 acre lot from a 52 acre parcel as a non-building lot. The new lot is proposed to be utilized for open fields. The residual parcel is 27acre and is proposed to remain vacant. No non-building waiver submitted with application. Application proposes sanitary sewer extension, but no plans or applications were submitted for such. The Planning Commission recommended approval of the subdivision and noted that the residual parcel contains a narrow strip of land to the south of the new lot, and that only the three signature maps were revised.

Motion Passed

Gary Anderson made a motion to approve the Thomas Shields subdivision application, seconded by Robert Mohr and all were in favor.

Land Development Applications:  
Daniel Florio, 208 State Street

A land development application was presented from Daniel Florio for property located at 208 State Street. The land development application proposed to construct a 20' x 90' mini-warehouse (rented storage units). The Zoning Hearing Board previously approved the use. The parking lot is proposed to be gravel, so no stormwater management is required at this time. The use requires no public utilities. The Planning Commission recommended approval of the land development with no substantial comments.

Motion Passed

Sally Geyer made a motion to approve the Daniel Florio Land Development Application, seconded by Nedward Jacob and all were in favor.

Creekside Hospitality, 328 Depot  
Street

A Land Development Application was presented from Creekside Hospitality for property located at 328 Depot Street. This land development application proposes to construct a 64-room hotel with a conference room. Stormwater management is going to be achieved with facilities on an adjacent property. The DEP Planning Module is in progress. The applicant is going to request a variance from the Zoning Hearing Board of the interior landscaping requirements for the parking lot. The applicant has already received a variance for the front yard setback on February 26, 2014. The Planning Commission recommended approval of the land development upon receipt of variance for interior parking lot landscaping.

Motion Passed

Sally Geyer made a motion to approve the Creekside Hospitality Land Development Application, seconded by Gregory Gebauer and all were in favor.

**TOPICS FOR DISCUSSION:**

Councilman Jacob questioned when the painting of the Parking Garage would begin and Manager Greene responded today.

**CITIZEN COMMENTS ON  
NON-AGENDA TOPICS**

Mike Brock requested an update on any zoning changes regarding Oil & Gas Development and Solicitor Wagner

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Mike Brock – Zoning responded he had sent a letter to the Planning Commission outlining areas of the zoning ordinance that the Commission should consider reviewing.

David Fox – East Arch Street David Fox, resident of East Arch Street, expressed his concerns with the condition of his street due to the South St. Marys Street Project construction vehicles.

Paul Fleming – Oil & Gas activity Paul Fleming, resident of Glen Hazel Road, expressed his concerns with the activity due to the gas well near his home.

Rick Wittman – Oil & Gas Industry Rick Wittman, resident of Spring Creek Township, expressed his concerns with the Oil & Gas industry.

Mike Kamandulis – Oil & Gas Wells Mike Kamandulis, resident of Fox Township, expressed his concerns with the long term effects of the Oil & Gas wells.

**COUNCIL COMMENTS**

Councilman Jacob commented a recent article in the Daily Press incorrectly stated Council voted not to turn on the lights on Access Road. Council voted to upgrade the electric panel.

Councilman Gebauer commented Council is being proactive with restrictions of the Oil & Gas Industry, but he did not want to spend tax dollars on defending those restrictions.

Councilman Radkowski commented there is a right way to make changes to the Zoning Ordinance regarding Oil & Gas Development and he believed it was a good idea to “pool our resources”.

Councilman Anderson commented he believed the City now had the best stormwater management in this part of the state of Pennsylvania.

Mayor Howard commented a Drug Awareness event will take place on the Diamond on September 27<sup>th</sup> at 6:00 p.m. and encouraged all to attend.

Councilman Mohr commented the City previously had tighter restrictions regarding Oil & Gas Development, but the State overruled the municipality’s laws.

Solicitor Wagner suggested the Planning Commission may want to look at the City’s prior Zoning Ordinance and other experienced communities for direction when they consider what changes to recommend to the current Zoning Ordinance regarding Oil & Gas Development.

**ANNOUNCEMENTS**

Mayor Howard made the following announcements:

- The next Council **rescheduled** worksession will be held Monday, September 8, 2014 at 7:00 p.m. at City Hall.
- The Next Council **rescheduled** regular meeting will be held Monday, September 22, 2014 at 7:00 p.m. at City Hall.

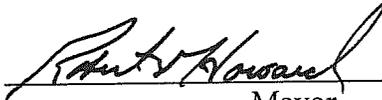
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ADJOURNMENT

Nedward Jacob made a motion to adjourn the meeting.  
Meeting adjourned at 9:02 p.m.

  
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Recording Secretary

  
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Mayor