

CITY OF SAINT MARYS COUNCIL MEETING

SEPTEMBER 18, 2017

**CALL TO ORDER**

The regular monthly Council meeting of the City of Saint Marys was called to order by Mayor Robert Howard on Monday, September 18, 2017 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 September 14, 2017, posted at City Hall and published in the Daily Press.

**PLEDGE TO THE FLAG**

**ROLL CALL**

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

**VISITORS**

Visitors included: Tom Lesser, Marie Eckl, Lyle Garner, Amy Cherry, Jerome Sorg, Richard Sadley Chris Pletcher, Dennis Bauer, Warren Stewart, Tina Gradizzi, Margie Brown, Vic Straub, Terry Pontzer and Deb Constable.

**APPROVAL OF MINUTES  
August 21, 2017**

Nedward Jacob made a motion to approve the minutes of August 21, 2017, seconded by Lou Radkowski.

**\*\*\*Correction of misstated  
comment**

Bob Mohr requested a correction regarding a statement made by Solicitor Wagner under Council Comments where it was stated "the City does not have any regulations on the removal of signs".

Solicitor Wagner responded the minutes were correct, but his statement was not. He then stated after the meeting he was informed the City does have regulations regarding the removal of signs.

**Motion Passed**

All were in favor to approve the minutes of August 21, 2017, as presented.

**REPORT ON EXECUTIVE  
SESSION:**

Mayor Howard stated an Executive Session was held immediately prior to tonight's meeting regarding real estate matters. No decisions were made.

**SPECIAL PRESENTATION:**

Manager Pearson explained the intent of tonight's presentations were due to the upcoming decisions for the City's budget. Letters were sent to Authorities, Boards, Commissions and other entities that have requested funds or currently receive funds from the City. The letter was a reminder budget requests were due by October 15<sup>th</sup> and also gave the opportunity to brief Council in person to update Council on the status of their organizations and why they were requesting funds, in order to assist Council with final budget decisions in November.

**Elk County Humane Society**

Dr. Marie Eckl, Veterinarian and President of the Elk County Humane Society, stated Vice President, Lyle Garner, was also in attendance for tonight's presentation. Dr. Eckl explained the following:  
History of the Humane Society  
2016 to September, 2017 Animal Report  
2016 Locality of Intakes  
Income and Expenses by Month  
Percentage and total of Expenses  
2017 YTD Profit and Loss  
2017 Fundraising Events

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She described the future outlook of the Society and how it repeatedly operates in the red, which was not sustainable in the long term. Either a reduction in operations, expenses or additional steady income must be developed to change the ongoing deficit in their budget. She believed the Society provided an invaluable service to the St. Marys area, which otherwise would need to be handled by the community. The request for consideration of \$10,000 was made to assure the Society's continued existence.

Gregory Gebauer questioned if other municipalities would be contacted and Dr. Eckl confirmed they were contacted or would be contacted.

Gregory Gebauer asked what the difference was between the Humane Officer and the Animal Control Officer and Dr. Eckl explained the Humane Officer does not deal with wildlife, but would deal with cruelty issues for any animal.

Gregory Gebauer questioned if the City's current Animal Control Officer could deal with cruelty issues and Dr. Eckl responded she believed it was not the job of the Animal Control Officer. In St. Marys the Animal Control Officer takes the animals to the Humane Society. Neglect and cruelty would be the job of the Humane Officer. The Humane Officer and the Police Department would investigate and enforce the laws. The Animal Control Officer was responsible to remove the animals.

Gregory Gebauer asked if the City owns the property where the Humane Society is located and Manager Pearson responded yes, there is a lease agreement.

Debbie Constable, City Animal Control Officer, approached and explained the history of her position. She described numerous circumstances of dealing with strays, nuisance animals and complaints. Ms. Constable explained according to State Dog Law and because she works directly under the Police Department her position can do anything the Humane Officer can do regarding neglect and cruelty issues. She further described prior to the Humane Society she handled complaints and the money made from handling those issues, including the adoption fee of unclaimed strays, went directly to the City to offset expenses.

Bob Mohr questioned how long she held stray animals and Ms. Constable responded by law when she had the shelter it was five days.

Gregory Gebauer asked Dr. Eckl what happens when the shelter at the Humane Society is full and Dr. Eckl responded typically they find or create extra space.

Council thanked Dr. Eckl and Ms. Constable for the information presented.

**SPECIAL PRESENTATION:  
St. Marys Airport**

Vic Straub, Chairman of the St. Marys Airport Authority, stated Terry Pontzer, Vice-Chairman was also in attendance for tonight's presentation.

Chairman Straub explained the Authority had numerous special meetings in which they discussed how they could continue operations at the Airport, pay all the bills, have a balanced budget and have a solid financially operational

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airport. This included a plan to pay off the long term debt in an acceptable manner of \$10,000 a year for 11 years. At the meeting with the City on August 22<sup>nd</sup>, 2017 the authority stated they had all the current bills paid or the finances available to pay them at that time. The fiscal year for the Airport is from June 1<sup>st</sup> to May 31<sup>st</sup> and follows the PennDOT Aviation fiscal year. The completed budget for June 1<sup>st</sup> of 2017 to May 31<sup>st</sup>, 2018 shows a financial shortfall of \$63,000 which was presented to Council. The Authority asked for one of three of the following possible requests from the City to balance its budget:

1. A referendum for one half (.05) of a mil for the Airport.
2. An additional \$63,000 from the City to balance the budget.
3. Place the three Airport employees on the City's payroll.

Nedward Jacob commented the budget presented was the same budget for the last three months and still did not contain what the City committee had requested, such as, festival or individual contributions and an explanation of a 30 percent increase in a certain line item.

Chairman Straub responded the 30 percent increase was for a \$6,000 increase in the annual salary for the Manager, which was offset by increased hangar rent and an increase in rent for the restaurant. Other increases were made for the Secretary/Treasurer and the Assistant Manager. Chairman Straub noted the airport employees do not receive any benefits.

Gregory Gebauer asked what happened to the drag races that used to occur at the Airport and Chairman Straub responded the FAA and PennDOT did not approve the races, but they were working on bringing that event back. They were also working on snowmobile races this winter.

Gregory Gebauer stated his concerns with the Airport and their attempt to pay the outstanding debt that the City had guaranteed.

Chairman Straub responded if they had the money they would pay on the outstanding debt, but they have to pay their bills first. He believed the amount of outstanding debt was minimal compared to the appraised value of the Airport, which belongs to the City. He further explained past revenues that did pay on their debt.

Chairman Straub explained the average annual amount of flights, landing fee structure and fuel purchases.

Mayor Howard questioned if the annual car show generates revenue for the Airport and Chairman Straub responded yes the event was a great success. He also stated he was proud of the Airport and encouraged them to continue to search for revenue sources and cost savings.

Chairman Straub stated the Airport meets all of the requirements that are set by PennDOT Aviation and the FAA.

Manager Pearson asked Solicitor Wagner what the process would be for a referendum to levy an Airport tax and Solicitor

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Wagner responded it would require an amendment of the City's Home Rule Charter. Council would be required to pass an ordinance to place the referendum on the ballot. He believed it was too late for the November ballot.

Nedward Jacob questioned if a tax levy was approved for the Airport he wondered if the County would still contribute funds to the Airport? The millage could generate up to \$110,000 and currently the City only gives the Airport \$35,000. He believed the City needed to discuss future annual allocations to the Airport.

Council discussed insurance on Airport buildings and vehicles.

Resident Jerry Sorg who lives by the Airport stated the Life Flight Helicopters utilize the Airport.

Gregory Gebauer confirmed EMS coordinates incoming Life Flights with the Airport.

The importance of Life Flight was discussed and it was suggested to contact the local hospital for funds.

Chairman Straub confirmed letters would be sent to the local hospital and local industries.

Gregory Gebauer stated his concerns with the balance of business versus leisure use of the Airport.

Chairman Straub stated he believed the Airport was a good selling point for industry and the community. He also noted Commercial air service was explored twice, but was not successful.

Nedward Jacob explained prior loan payments were paid until 2016 and then he described the prior and future allocations to the Airport.

Manager Pearson explained an agreement with the Airport for future debt payment was still being worked on and once the agreement is finalized it will be brought back to Council for their consideration.

Nedward Jacob commented the Airport has not had an increase in their annual allocation, unlike some other funds, and hoped Council took that into consideration when it comes time to vote on this matter.

Solicitor Wagner clarified the referendum would be an "up to" amount of a tax levy and not necessarily the entire amount.

Manager Pearson stated all other budget requests will be presented at the October 16<sup>th</sup> Council meeting.

**CITIZEN COMMENTS ON  
AGENDA TOPICS**

There were no comments on agenda topics.

**MAYOR'S REPORT**

Mayor Howard reported the following:

- Attended the Elk County Mayor's Association meeting.
- Acknowledged Councilman Bob Mohr for riding with him in the 175<sup>th</sup> parade.

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Mayor Howard then read a Citation from the State House of Representatives presented to him by Matt Gabler acknowledging the City's 175<sup>th</sup> Anniversary.

**MANAGER'S REPORT**

Manager Pearson provided the following report:

- Thanked everyone who had anything to do with the 175<sup>th</sup> Anniversary Parade and Bavarian Fall Festival.
- Announced an ARC grant in the amount of \$585,000 was approved to rebuild Airport Road from South Michael Road to the Airport Industrial Park.
- Attended the AGChoice Farm Bureau roundtable event with Congressman GT Thompson. The event focused on St. Marys Lumber, which is adjacent to the Industrial Park.
- LED Update – The majority (95%) of the LED street light replacements are completed and a reduction of cost should show by the end of the year.
- I & I Report and the Unrestricted Fund Balance agenda items will be presented at the October Council meetings.
- PennDOT repaved a portion of South Michael Road and because of safety concerns, parking meters were temporarily bagged for no parking. This area is being monitored for a permanent solution.

**SOLICITOR'S REPORT**

Solicitor Wagner had nothing to report.

**TREASURER'S REPORT**

Manager Pearson provided the following Treasurer's Report as of August 31, 2017:

Total Revenue for the General Fund was at 79 percent, compared to last year at 77 percent of budget. Total Expenditures were 50 percent of budget for the General Fund and in 2016 was 50 percent of budget. Cash flow for the General Fund as of August 31, 2017 was \$4,653,054 compared to 2016 at \$4,077,139. Cash flow for the Sewage Treatment Fund was \$1,313,425 compared to 2016 at \$1,048,423. Market value for the pension plans increased this month and was above market value as of the end of August, 2016.

**PUBLIC HEARING:  
Amending the City's Zoning  
Ordinance**

Matthew Pfeufer, City Zoning Officer, explained the purpose of amending the zoning ordinance was to remove conflicts between Chapter 7 and Chapter 27 in the City Code Book.

St. Marys City Council voted to publish the proposed amendment on April 3, 2017 as part of the comprehensive fire code revision. The procedures for amending the zoning ordinance are different from other codes, hence the protracted schedule. The Elk County Planning Commission was sent the proposed ordinance on June 8, 2017 and had 45 days to comment before the public hearing could be held. The St. Marys Planning Commission reviewed the proposed amendment on July 11, 2017 and had no substantial comments. The proposed ordinance was published in the Daily Press on September 8<sup>th</sup> and 11<sup>th</sup> 2017.

The City of St. Marys Zoning Ordinance of 2005, adopted December 18, 2006, pre-empted the language contained in Chapter 7, Section 104.4.C which prohibited the installation of

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outdoor furnaces in only the Medical Institutional, Commercial Highway, and Central Business Districts. The majority of the Outdoor Furnace Regulations were removed from Chapter 7 of the City Code Book via prior ordinance. The minimum lot size is the same as the prior regulation, and the setbacks have been relaxed from 30 feet to 15 feet from a property line.

**Public Hearing Opened at 8:13 p.m.**

Mayor Howard opened the public hearing at 8:13 p.m. for public comment.

**Public Comment**

Jerry Sorg, resident, commented he had been involved with the outdoor furnace issue for many years. He was not pleased with the advertisement of the ordinance change. He believed other zoning districts could accommodate an outdoor furnace and especially those residents who do not have access to a natural gas utility. He explained suggested setbacks have changed over the years due to better efficiency of the furnaces.

Manager Pearson requested clarification that the restriction of the use of outdoor furnaces in only RC zoning districts was already in place and the amendment being proposed tonight was not a new restriction.

Mr. Pfeufer explained Chapter 7 dealt with outdoor furnaces and only prohibited them in certain zoning districts, in 2006 the zoning ordinance was changed to prohibit outdoor furnaces in every zoning district except the RC district, which created a conflict between the zoning ordinance and the City Code. This amendment would clarify within the zoning ordinance the allowable zoning district only as RC and specifies the minimum lot size for installation of outdoors furnaces.

Mr. Sorg stated when the Zoning Ordinance was changed in 2006 he was not aware of the change to regulations for outdoor furnaces and Mr. Pfeufer responded because the entire ordinance was changed at that time there was no summary, the entire ordinance would have been displayed.

Lou Radkowski questioned if anyone grandfathered would be allowed to replace it and Mr. Pfeufer responded yes at the same location.

Solicitor Wagner stated while revising the outdoor burning ordinance it was discovered some outdoor furnace regulations were contained within the outdoor burning ordinance and some were contained in the zoning ordinance. All of the outdoor furnace regulations were removed from the outdoor burning ordinance via prior ordinance and were being placed into the zoning ordinance. The regulations were not being changed, just being placed in the correct place in the Code Book.

Lou Radkowski questioned if a variance could be requested from the Zoning Hearing Board and Mr. Pfeufer responded yes it could be requested.

There was a brief discussion regarding the difference between outdoor furnaces and indoor wood burners and prior issues with outdoor furnaces.

**Public Hearing Closed at 8:27 p.m.**

Mayor Howard closed the public hearing at 8:27 p.m.

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**LEGISLATIVE ACTION:** Ordinance No. 306 was presented for adoption, re: regulations  
 Consider for adoption: relating to Outdoor Furnaces.

**Motion** Lou Radkowski made a motion to adopt Ordinance No. 306, seconded by Andrew Mohny.

**Discussion** Gregory Gebauer asked Mr. Pfeufer if it has been an issue for residents wanting to place an outdoor furnace in other than the RC zoning district and Mr. Pfeufer responded since 2006 he had not been contacted to request an outdoor furnace in other than the RC zoning district.

Bob Mohr asked when the last outdoor furnace was installed and Mr. Pfeufer responded approximately five years ago an outdoor furnace permit was issued.

**Motion Passed** All were in favor to adopt Ordinance No. 306.

**2016 C.D.B.G. Budget Modifications** Tina Gradizzi, Community and Economic Development Coordinator, explained the following 2016 C.D.B.G. Budget Modifications:

On August 21, 2017 City Council was presented with 2016 CDBG Project Modifications and Revision for review and approval. Below is what was previously presented on August 21, 2017:

Housing Rehabilitation	\$79,179
Luhr Park	\$7,000
Benzinger Park	\$70,500
Spot Blight – Demolition & Historic Preservation	\$67,147

Ms. Gradizzi requested City Council approve changes to the proposed project budgets because the Luhr and Benzinger Park cost estimates were under the budgeted amount. Below is proposed 2016 C.D.B.G. Budget Modifications:

Luhr Park	\$3,305.50 (decrease of \$3,694.50)
Benzinger Park	\$41,277.50 (decrease of \$29,222.50)
Housing Rehabilitation	\$112,096.00 (increase of \$32,917.00)
Spot Blight – Demolition & Historic Preservation	\$67,147.00 (no change at maximum amount allowed)

DCED will allow a 10% contingency based on the cost estimate, which was factored in on the numbers listed above.

**Motion Passed** Bob Mohr made a motion to approve the 2016 C.D.B.G. Budget Modification, seconded Lou Radkowski and all were in favor.

**Purchase of Bruxelles Street Property (263)** Manager Pearson explained the purchase of property located at 263 Bruxelles Street was being presented for Council's consideration. The acquisition of the property is part of a plan to connect the future Elk Creek Park, which is proposed to be located on Depot Street behind the Parking Garage, to Bruxelles Street via a pedestrian bridge.

**Motion Passed** Lou Radkowski made a motion to approve the agreement of sale to purchase the property located at 263 Bruxelles Street, seconded by Nedward Jacob and all were in favor.

**TOPICS FOR DISCUSSION:** There were no topics for discussion.

**CITIZEN COMMENTS ON NON-AGENDA TOPICS** Tom Lesser, business owner, described his concerns with the elimination of some of the parking on South Michael Street near his business. He believed the removal of parking would create more of a safety issue at that intersection.

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Jerry Sorg commented on the poor condition of a portion of Jackson Road.

## COUNCIL COMMENTS

Councilman Jacob commented on the recent LEDVANCE (former Sylvania) event to announce their partnership with Walmart to provide an LED lightbulb.

Councilman Gebauer clarified his previous comments regarding the Airport Authority.

Councilman Radkowski thanked all involved with the parade and festival.

Councilman Mohr questioned the outdoor burning ordinance restrictions and Manager Pearson will review the matter with City staff.

Mayor Howard stated he respected Chairman Straub for fighting for the Airport and suggested Council and the Airport work together to help the Airport.

## ANNOUNCEMENTS

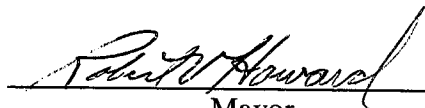
Mayor Howard made the following announcements:

- The next Council worksession will be held on Monday, October 2, 2017, at 7:00 p.m. at City Hall.

## ADJOURNMENT

Nedward Jacob made a motion to adjourn the meeting. Meeting adjourned at 9:00 p.m.

  
\_\_\_\_\_  
Recording Secretary

  
\_\_\_\_\_  
Mayor