

**Marietta Borough Council
Minutes of Meeting held July 10, 2018
113 East Market Street, Marietta, PA**

President Mazis with Council members Shambaugh, McKinney, States, Dalzell, Angelo, Marsh, Mayor Kulman and Solicitor Harter present called the regularly scheduled monthly meeting of the Marietta Borough Council to order at 7:00 PM. The meeting opened with a moment of silence followed by the pledge of allegiance.

PUBLIC HEARING

Bill Dalzell presented the Special Event Permit which amends our Borough Code by adding Chapter 291 that requires a special event permit for parades, assemblies, fairs, etc. that affects Borough streets and property. This will allow council to investigate everything before the permit is issued. This ordinance allows council to add a fee to the resolution at the end of the year to set a fee for the special event permit.

Charles Shireman – 345 East Market Street – asked if the special event permit will have a fixed cost. If he comes to council for the Memorial Day Parade and he has to fill out a five page application and then you are asking me to pay for it and this process could take up to 3 months before it could be approved.

Ray Vegso – 50 N. Pine Street – he is also concern with the 60 days to have something approved. Usually it's good to have some discussion but he would like to see some discretion.

Mayor Kulman read through the fourteen (14) application questions that are required to be filled out by each applicant. He feels that it is a lot of detail.

Ray Ann Schatz – 24 Fairview Avenue – are all the events going to be charged the same amount?

Sharon Bradnick stated that once the fee is established it will be set by resolution and all applications will be charged the same.

President Mazis assured Mayor Kulman that they were the same fourteen questions that are on the present form to get permission for a special event from the Borough. Also, for events like the Memorial Day Parade, the fee can be waived by the Borough and would be by the Council. The time-frame is also the same as we try to have currently for special events.

Our solicitor Brandon Harter asked that Sharon verify that this hearing was advertised in the newspaper and Sharon confirmed that it was advertised. This hearing ended at 7:22 PM.

PUBLIC HEARING

Council member Dalzell presented the Ordinance 2018-03 amending Section 502 of the Zoning Ordinance by altering the off-street parking requirements, bicycle parking requirements and related restrictions and regulations. There are three (3) sections to this which is providing an establishment to share parking requirements within so many feet of the establishment and have an agreement to lease further parking. The second section is to allow bicycle spaces to equal a percentage of a parking space of automobiles and the third to reduce parking requirements in the trail/rail/river and market central district to encourage business redevelopment of the first floor of historic properties.

Fred Gabriel II – 546 West Market Street – he would like more clarification from the solicitor that if he owns and has an establishment and owns the property next door that he can utilize the lot for parking. He was concerned whether the Borough would be apprised of these changes.

Solicitor Harter stated that you are allowed to enter into an agreement and to allow the two properties to pull their parking requirements together as long as A and B both have enough parking and all the other zoning requirements are met.

President Mazis stated that the Borough is a party to the agreement to meet Mr. Gabriel's concerns, and this is feasible because the Borough does not have that many properties and it is best for us to be party to the agreement so we can keep track of things. This was taken to the County Planning Commission and they were quite enthused about it and we got their support as they felt it was following the County plan to use space more efficiently in developed areas.

Ray Vegso – 50 North Pine Street – If any individual a resident wants to have a party and my neighbor allows me to park on his property I don't need to show an agreement to the Borough?

Solicitor Harter stated that this is only for parking that is required by zoning when you want to do something to your property that would be required for zoning.

Bev Kreider – West Walnut Street – she heard something about 100% reductions for mixed use can you explain that more.

Council member Dalzell read the section O and section "O. i." to the public which does lessen requirements for mixed use of a restricted space.

Solicitor Harter asked that the hearing was advertised in the newspaper and it was circulated to the County. This was confirmed by Sharon Bradnick.

President Mazis closed the hearing at 7:30 PM

President Mazis opened the regular scheduled meeting.

VACANT ZONING BOARD SEAT

President Mazis stated that we need appoint Fred Gabriel to the zoning hearing board with Resolution 2018-24.

Council member Dalzell nominated Fred Gabriel for the zoning hearing board with a second by Council member McKinney. Nomination carries unanimously by voice vote.

PUBLIC COMMENT

Mike Emig – 101 Essex Street – would like to take the opportunity to thank the men for the street sweeping they did a fantastic job. He would like to know if things they are going to let people know sooner so that the sweeper doesn't have to go around cars.

President Mazis stated this was the first time and there would be more notice in the future in the Traveler newsletter and on the revamped website.

Charles Shireman – 345 East Market Street – is anything being done with the junk yard across the

street from him, there is a washer and motor parts everywhere and he actually is working on the street tearing down vehicles. This is not a garage. He would be happy to go over and testify. You have a junk yard ordinance on your books and what designates a junk yard.

Carl Jones - West Market Street – yes he is correct that this garage is an eye sore. It looks like a junk yard.

Sharon Bradnick stated the Borough was about to go to court again regarding this matter.

President Mazis added that it would help of have witnesses willing to go to court.

Mike Aument – 119 North Gay Street – where are we with the wood piles.

President Mazis stated that no other comments he closed the public comment session.

MINUTES FOR APPROVAL

President Mazis asked for a motion to approve the June council meeting minutes. Council member Shambaugh made a motion to approve the May council minutes with a second by Council member Angelo. Motion carries unanimously by voice vote.

ANNOUNCEMENTS

President Mazis stated that its coming down to the wire and the North West River Trail ribbon cutting will be on July 27th from 11:00 AM to 2:00 PM with the ribbon cutting at 12:00 noon, to celebrate the dedication of the Eater Foundation plaque. Most of the local restaurants will be serving food. MABA will be highlighting several local businesses and thanked the Marietta Boat Club for graciously donating the use of their property.

President Mazis also announced that in response to last month's comments by residents in the public comment section of the meeting, enforcement of the ordinance regarding RV's and campers had been indefinitely suspended and the ordinance was being reconsidered by PZE and Planning Commission.

President Mazis stated that he was moving Bill Dalzell from Administrative Committee to Public Outreach Committee and moving Jeffery Marsh from Public Outreach to the Administrative Committee.

Council member Dalzell announced that the Penn State Agriculture and Environmental Center is offering free trees to land owners and the application is on line and due by July 27th.

Sharon Bradnick made an announcement that the garden tour is September 9 from 11-4 and they would like to have use of the bathrooms and they would place some plants in the council chamber.

REPORTS

Fire Police/EMA – Steve Bailey – For June they ran twenty-two (22) calls, sixty-three (63) officers for a total of one-hundred, fifty-two and a half (152 ½) hours on duty.

Pioneer Fire Company – Brandon Smith – For June they ran twenty-six (26) fire calls and nineteen (19) QRS calls for a total of forty-five (45) calls. They had three-hundred, forty-five (345) hours on

calls and training.

Pioneer Fire Company Financial Statement – Robert Shambaugh – Report dated May 23, 2018. The fire company had a balance of \$14,586.27.

Sewer –Freddy States – Report dated June 2018. The sewer fund has a savings account balance of \$178,405.78 and a checking account balance of \$8,184.45. Council member Shambaugh motioned to accept the report as presented with a second by Council member Angelo. Motion carries unanimously by voice vote.

Recycling –Freddy States – Reported that the Borough recycled 28,300 lbs. during June 2018. Council member Shambaugh motioned to accept the report as presented with a second by Council member McKinney. Motion carries unanimously by voice vote.

Treasurer – Sharon Bradnick - The General Fund Monthly Breakdown dated July 10, 2018. The total general fund accounts are \$1,018,371.89. Council member Angelo motioned to approve the report as presented with a second by Council member Shambaugh. Motion carries unanimously by voice vote.

Secretary – Sharon Bradnick – Everyone received their profit and loss statements for the month of June. At the end of June, we show that we have \$21,148.70 to the good. January through June we show income of \$312,459.32.

Mayor’s Report - Harold Kulman – Mayor Kulman stated that they are still working on the police contract. There is an incinerator tour on Tuesday, July 17 at 9:00 AM and they run a bus out of Bainbridge. If anyone has not been to the Vesta Building, everyone needs to take a look at that. It is open from 1:00 PM to 3:00 PM on Sundays. Columbia Water Company has their place open also. Their treatment facility is a high class outfit.

STANDING COMMITTEE REPORTS

Administrative – President Mazis

President Mazis stated that most of the time they went over the loan. They are still working on the personnel policy. The loan had to be taken out around \$600,000.00 and we have a choice of taking a fix rate at the FHLB rate plus 280 bases at a discount of 68% or taking an adjustable rate at 68% of the Wall Street Journal Prime. The administrative committee said they don't want to get into an adjustable rate because rates will be going up.

Sharon explained that our term was up in May 2017 and the FHLB rate in May was 2.12% and then they add 2.80 which then make it 4.92 and then that rate at 68% which makes our new rate to be 3.456%. The adjustable rate would be 4.0% and take that at 68% which would make that rate 2.72% and this would be adjusted every month. We checked with Northwest Savings and they cannot compete. Their rate would be 5.15%.

Council member Angelo made the motion to authorize Sharon to finalize the paperwork to proceed with the 3.456% loan with a second by Council member Marsh. Motion carries unanimously by voice vote.

Planning/Zoning/Environmental – Bill Dalzell

Council member Dalzell stated that he had a large turnout and two of his committee were of town so he went ahead and held the meeting. He was taking back to the Planning Commission

to adjust the amount of wood that is allowed to be stored on the property from 120 cu. Feet to approximately the amount that would be three cords. This is going back to committee. The ordinance on RV's they are going to have some more discussion in committee on this. There was someone that came and was concern about the stormwater placement pond on the property at 420 West Market Street.

Council member Dalzell made a motion to accept Ordinance 2018-02 an ordinance to add Chapter 291 to the Code of the Borough of Marietta with a second by Council member Shambaugh. Motion carries unanimously by voice vote.

Council member Dalzell made a motion to accept Ordinance 2018-03 an ordinance amending Section 502 of the Zoning Ordinance of the Borough of Marietta with a second by Council member Angelo. Motion carries unanimously by voice vote.

Council member Dalzell stated that previously there was a fourth change to the ordinance and we held it back because there was a concern with our solicitor with the definition of an outdoor facility and the intention of the committee. This is going back to committee to draft some language.

Public Outreach – Louis McKinney

Council member McKinney thanked the Special Fire Police and Rich Kushner and the Bike Race. They did a fantastic job and the Bike Race is putting Marietta on the map.

Public Safety – Robert Shambaugh

Council member Shambaugh went over his Safety Committee's report which included trail safety concerns, the traffic study and the traffic signal at Rt. 23 and Rt. 441 is not long enough. The fire company would like to replace the lights in the fire house and would like to know if they can use the fire tax money to pay for the new lights. They also discouraged about coming up with a down payment in four or five years to purchase a new tanker. He gave a traffic update they want to wait until the Rt. 23 Bridge is completed before they finish their traffic study. The police commission wants us to payback the \$200.00 they paid out to send the code violation letters out. There was a lot sent out this time because the job was not being done before. Our original contract states that the police will help do our ordinance enforcement. Council feels that this was their job and does not want to pay the money back.

Public Works – Freddy States

Council member States stated that we received a bid from Pennsy Supply to do the 2018 Street Improvements project and no bids for the oil, chip and fog coat project. The bid came in higher than the engineer's estimate, but that was due to high oil prices, affecting paving projects and it still seemed like a good price to Council. Council member States made a motion to accept the 2018 Street Improvement project with a second by Council member McKinney. Motion carries unanimously by voice vote.

Council member States would like to look into the cost of a milling head for the new skid loader. He explained how the cost would be made up in just a few times of using it versus rental. He said the street sweeping will get better organized after this initial sweeping. The Borough needs a new plow for the red dump. The plow we have is too big for the truck. We need to get a smaller plow for the red dump before winter. We are low on parking meters and we need to look into finding some like we have or replace them with new ones.

Council member States stated that we are going to table the oil chip and fog coat project and put this out to bid in the fall for a spring project since we did not get a bid.

SPECIAL COMMITTEE REPORTS

JOINT SEWER AUTHORITY – Bridey Hannold – No report.

NWRT Committee – Glen Mazis – The meeting is July 24th and nothing to report at this time.

C2P2 Committee – Glen Mazis – Our next meeting is July 19th and they are looking at our parks to access our facilities and to suggest possible improvements, they will have a report later and there will be meetings to get citizen input.

OLD BUSINESS

President Mazis stated that the trail signs being designed, organized and ordered by MABA will go on the same posts as the Borough street signs. We will work on a resolution of putting up the signs on the trail.

President Mazis asked whether the Council had looked at the template he had sent to them last month. The Council had agreed the template was an improvement and Steve Ulrich should use it to work on the website.

NEW BUSINESS

President Mazis stated the MRA has requested a 90 day extension of the approved Land Development Plans for the Old Town Hall/Union Meeting House for the letter of credit.

Council member States made a motion to extend MRA Land Development Plans a 90 day extension with a second by Council member Angelo. Motion carries unanimously by voice vote.

Sharon asked if council is willing to allow the Garden Tour use the Council Chamber and restroom. Council felt that there are other places throughout town to use the restrooms. There are legal liabilities and then it is setting a precedent for using the building with no supervision and incurring liability. No motion was made for the use of the Council Chamber for the Garden Tour.

PUBLIC COMMENT

Glenn Orr – Roadmaster – is the borough liable if we put down bike stencils directing people over the railroad tracks?

Solicitor Harter stated that we would not be because the crossings are marked.

Carl Jones – West Market Street – is Hull Street on the list for the Road Improvement project. Also what is the Borough doing with the septic tanks, we have water problems in this area. President Mazis answered we are working on an ordinance to require periodic septic tank inspections and reports.

Seeing no other public comments, President Mazis closed the public comment session.

There being no further business to come before Council, on a motion by Council member

McKinney with a second by Council member Angelo the meeting adjourned at 9:34 PM.

BOROUGH SEAL

Respectfully submitted,

Sharon L. Bradnick
Secretary/Treasurer