

Connellsville City Council MINUTES
FEBRUARY 15, 2022

This meeting of the Connellsville City Council was held this evening at 6:00 PM. Attending this meeting was Mayor Lincoln, Council members Karpiak, Keedy, Topper and Tiberio. Also attending was City Clerk Ohler and Solicitor Witt.

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE:

REMARKS FROM VISITORS/PUBLIC COMMENTS:

Dr. Frank Jacobyansky, Connellsville Recreation Board: Discussed the Recreation Board agreeing with Braddock's Fish Club's request to redo Yough Park's Stage with grant money. He also discussed Recreation Board having one opening rather than two and they accept non-voting members. He informed City Council that he would like to redo the By-Laws and show Council in a few weeks.

Mayor Lincoln noted the solicitor would review them and City Council would approve them.

Dr. Jacobyansky stated the Recreation Board would like to spearhead the City-wide Cleanup on April 23rd and the croquet tournament on July 23rd and will have other events such as PE in the Park. He discussed paving at East Park at a rough estimate of \$56,000.

Mayor Lincoln stated at that cost, City Council is required to place that job out for bid.

Dr. Jacobyansky stated the Recreation Board has estimates on fencing and new gates at two of the playgrounds.

Mayor Lincoln questioned a resolution on the agenda granting permission to General Braddock's permission to expand the stage at Yough Park. He noted that they do not expand it, the City has to do the project and he wants to see the breakdown of how that can cost \$10,000. He further noted to spend \$10,000 on a stage that has been in the park for years and was big enough for other bands, is questionable. Mayor Lincoln stated he is for this but wants to see engineered stamped plans for it and breakdown of the costs. He further noted the resolution needs to be changed from General Braddock's to the City.

Dr. Jacobyansky agreed to submit what Mayor Lincoln requested. He discussed the members of the Recreation Board again.

Tim Ritenour, City residents, discussed a cat issue with council.

Councilman Karpiak explained this issue has come before council in the past and the only thing that seems to work is to trap them and take them to a shelter.

Mr. Ritenour requested council try to find a grant through the county or state for this issue.

Council discussed the City's animal control officer charging extra fees for dealing with feral cats.

Magistrate Haggerty spoke next about the Yough River Rally being June 3rd through the 5th at Yough Park. He stated he is seeking council's permission to use Yough Park and to get a Liquor License through the Recreation Board. He further stated he received verbal confirmation on a grant to redo the stage using the exact same materials added to parts to the stage. He stated that he cannot sign the bands on until he has permission to expand the stage to fit the bands. Haggerty clarified there will be no cost to the City or the Recreation Board.

Mayor Lincoln requested a breakdown of the \$10,000 cost to put an addition on the stage.

Solicitor Witt explained because this is City property, the City would have to be the one to engage the contractor to do the work. He further noted the resolution would have to read for the City to enter into a contract with the company.

City Council review the project submitted by Haggerty.

Paula Johnson, Diversity and Inclusion Board, Discussed the Pride Fest, June 11th at Yough River Park.

Ms. Johnson noted that she feels this event will bring people into the City and keep them coming back.

Mayor Lincoln stated that showing that everyone is welcome in the City is a positive and thanked them for all they do.

CITY TREASURER'S REPORT: Marily Weaver

It was discussed that Uniontown City has a "flat tax fee" as opposed to the City's Mercantile Tax. Solicitor Witt explained the difference.

Mayor Lincoln and Solicitor Witt discussed offenders who do not pay their tax. Witt stated he will look further into the City's ordinance.

Mayor Lincoln requested from Treasurer Weaver a list of businesses who are not paying and the history of their not paying. He clarified we cannot allow this to continue.

Treasurer Weaver stated she has that on the computer and will give Vernon a list.

Councilwoman Tiberio questioned why Southwest handles Business Privilege Tax rather than being done in house.

Solicitor Witt stated it is a lot of work to do in house. He added they pay the Registration and Business Privilege Tax.

CITY CONTROLLER'S REPORT: William Addis

CORRESPONDENCE:

Connellsville Garden Club, request: Geranium Festival, May 21, 2022

Resolution No.: 2-1-2022: "To grant permission to the Connellsville Garden Club to use East Side Fire Hall on Saturday, May 21, 2022 for their annual Geranium Festival and Thursday, May 19, 2022 to set up for the event; further authorizing traffic control by the Police Auxiliary upon approval of the Police Chief and Fire Chief."

A vote upon the adoption of the resolution resulted as follows: Affirmative were Councilmembers Karpiak, Topper, Keedy and Tiberio and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.

Diversity and Inclusion Board, request: Pride Fest 2022, June 11, 2022

Resolution No.: 2-2-2022: "To grant permission to the Diversity and Inclusion Board to use both pavilions and the stage at Yough Park on Saturday, June 11, 2022 for their Pride Fest 2022 Event; further granting use of the PA System and authorizing Public Works to deliver the PA System to Yough Park the morning of the event as requested on the Utilization Form."

Council discussed Food Vendors and fees.

A vote upon the adoption of the resolution resulted as follows: Affirmative were Councilmembers Karpiak, Topper, Keedy and Tiberio and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.

REGULAR AGENDA:

Resolution No.: 2-3-2022: "To approve the minutes from the January 18, 2022 City Council Meeting."

A vote upon the adoption of the resolution resulted as follows: Affirmative were Councilmembers Karpiak, Topper, Keedy and Tiberio and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.

Resolution No.: 2-4-2022: "To waive the Four-Day Resolution Rule to allow for items submitted after the Four-Day Rule to be read at the meeting tonight, such Resolutions will be marked with an asterisk."

A vote upon the adoption of the resolution resulted as follows: Affirmative were Councilmembers Karpiak, Topper, Keedy and Tiberio and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.

MAYOR LINCOLN:

Resolution No.: 2-5-2022: “To reappoint Barbara Mongell to the City Pension Appeals Board; term to expire January 1, 2024.”

A vote upon the adoption of the resolution resulted as follows: Affirmative were Councilmembers Karpiak, Topper, Keedy and Tiberio and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.

Resolution No.: 2-6-2022: “To allow the City Clerk permission to sign and file all needed paperwork to recoup unclaimed property of the City of Connellsville on the Pennsylvania Treasury unclaimed property website.”

A vote upon the adoption of the resolution resulted as follows: Affirmative were Councilmembers Karpiak, Topper, Keedy and Tiberio and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.

Police Department Report

Mayor Lincoln stated the car break-ins has been quiet.

Chief Hammerle answered the guy that, they believe, has been responsible for most of the break-ins is sitting in Fayette County Jail. He added they obtained a search warrant for his house and found items that could tie him to at least 10 of them. He stated this person has been charged with three so far.

Mayor Lincoln questioned if anyone else has been charged.

Chief Hammerle replied yes, there has been one.

Mayor Lincoln questioned the bomb scare or threat on the southside.

Chief Hammerle stated that was the 300 block of East Green Street. He added he was sent of photo of it and that it looked real to him. He noted that some residents nearby were evacuated.

Mayor Lincoln and Chief Hammerle praised the police department and noted that it was coordinated. Hammerle added the person was caught and in the Fayette County Prison.

Resolution No.: 2-10-2022: “To hire Cody Ward as a patrolman for the Connellsville Police Department starting April 1, 2022. Wages and benefits to be determined by the bargaining agreement between the city and Connellsville Police Officers Association; pending receiving letter of retirement from current officer.”

Hammerle added Ward is from South Connellsville, a Connellsville graduate, highly recommended from the Civil Serve Board and works for Scottdale and has experience in Altoona.

A vote upon the adoption of the resolution resulted as follows: Affirmative were Councilmembers Karpiak, Topper, Keedy and Tiberio and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.

Resolution No.: 2-7-2022: "To implement the new Chain of Command policy into the City's policies and procedures manual."

Mayor Lincoln thanked Councilwoman Tiberio and Councilman Topper for worked with Vernon to get this done as it is a need. He added that Council is not full time and Vernon, the City Manager should have the ability to direct and run the show.

A vote upon the adoption of the resolution resulted as follows: Affirmative were Councilmembers Karpiak, Topper, Keedy and Tiberio and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.

Resolution No.: 2-8-2022: "To grant the City Clerk permission to file for the Statewide Local Shares Account Grant on behalf of the city."

City Clerk Ohler stated this will be for the Meason Avenue corridor.

A vote upon the adoption of the resolution resulted as follows: Affirmative were Councilmembers Karpiak, Topper, Keedy and Tiberio and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.

Resolution No.: 2-9-2022: "To grant the City Clerk permission to file any and all paperwork to purchase parcel numbers 05-07-0313 and parcel number 05-07-0315 at 227 and 231 South Carnegie Avenue from the Fayette County Repository sale. Money to be taken from line item 489.000."

Mayor Lincoln stated there was a Homeless meeting at the Senior Center, there was a discussion with Ron Metros. He continued Ron created a Veterans Homeless Shelter in Uniontown and would like to see one in Connellsville. He noted this property will be looked at for this program.

A vote upon the adoption of the resolution resulted as follows: Affirmative were Councilmembers Karpiak, Topper, Keedy and Tiberio and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.

Resolution No.: 2-11-2022: "To appoint Heather Taylor to the Connellsville Housing Authority Board with term to expire January 2027."

A vote upon the adoption of the resolution resulted as follows: Affirmative were Councilmembers Karpiak, Topper, Keedy and Tiberio and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.

Resolution No.: 2-12-2022: “To accept the retirement letter of Janine Brooks with her last day of work being June 1, 2022.”

Mayor Lincoln stated that he never thought this day would come, that Janine would want to enjoy retirement after 45 years.

Tom Karpiak stated she needs three votes for that and doesn’t know if she will get it.

Mayor Lincoln stated the Chief is on the fence here and could go either way on allowing her to retire. He added that it is amazing that Janine worked her whole adult life for the City of Connellsville Police Department. He added he believes that he is the 7th Mayor that she has worked under.

City Clerk Ohler stated that no one else has held this position.

Mayor Lincoln added the City now must hire for that position not knowing how it goes.

Chief Hammerle stated Janine started when this building was built.

A vote upon the adoption of the resolution resulted as follows: Affirmative were Councilmembers Karpiak, Topper, Keedy and Tiberio and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.

Mayor Lincoln stated he and the Chief have been talking and would like for Janine to come to that meeting and honor her for her service.

Resolution No.: 2-13-2022: “To advertise to hire a Police Secretary for the Connellsville Police Department.”

A vote upon the adoption of the resolution resulted as follows: Affirmative were Councilmembers Karpiak, Topper, Keedy and Tiberio and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.

Resolution No.: 2-14-2022: “To introduce Bill No. 2 of 2022, AN ORDINANCE OF THE CITY OF CONNELLSVILLE, FAYETTE COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 1492, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF CONNELLSVILLE, INCLUDING SECTION 2-104, PERMITTED USES AND USES BY SPECIAL EXCEPTION BY ZONING DISTRICT, TO ADD “CLINIC, MEDICAL” FROM A PERMITTED USE TO A USE BY SPECIAL EXCEPTION IN THE C-2, HIGHWAY COMMERCIAL ZONING DISTRICT, TO ADD “OFFICE, PROFESSIONAL” AS A PERMITTED USE IN THE C-1, DOWNTOWN COMMERCIAL, C-2, HIGHWAY COMMERCIAL, AND C-3, CORRIDOR COMMERCIAL ZONING DISTRICTS, AND TO REMOVE THE “OFFICE/CLINIC, MEDICAL” USE; SECTION 3-103 TO ADD PARKING AND LOADING REQUIREMENTS FOR “CLINIC, MEDICAL” AND “OFFICE, PROFESSIONAL” AND TO REMOVE PARKING AND LOADING REQUIREMENTS FOR “OFFICE/CLINIC, MEDICAL”; SECTION 11-100 TO ADD A DEFINITION FOR “CLINIC, MEDICAL,” TO ADD A DEFINITION FOR “OFFICE, PROFESSIONAL,” TO AMEND THE DEFINITION OF

“OFFICE, BUSINESS,” AND TO REMOVE THE DEFINITION FOR “OFFICE/CLINIC, MEDICAL”; AND ARTICLE VI TO ADD SPECIAL EXCEPTION REQUIREMENTS FOR “CLINIC, MEDICAL” USES; PROVIDING FOR SEVERABILITY; REPEALING INCONSISTENT ORDINANCES OR PARTS THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.”

Mayor Lincoln explained that the City is just making sure that certain clinics are only permitted to be open in certain areas of the City.

Solicitor Witt explained that right now it is very broad as to where clinics can go. He continued that this would tighten up some of the definitions so clinics are being addressed more specifically. He added this will make sure those clinics are located in certain areas where they can be addressed very specifically with those special exception requirements. He clarified that Council introduces and then it goes to the planning commission at the City and County level for their comments back and then public hearings have to be held for public comments to be solicited. He stated that must be done before Council can adopt this ordinance.

Mayor Lincoln questioned what happens if a clinic wants to open during this process.

Solicitor Witt replied this would trigger what is called the “Pending Ordinance Doctrine”. He continued that anyone who is looking to locate a clinic would be governed under the same standard of whatever it ends up being, whatever the decision of council on this proposed ordinance. Solicitor Witt explained that if someone came in, the City would give a copy of this proposed ordinance and request that their submissions comply with this ordinance until final disposition of the ordinance.

Mayor Lincoln questioned if medical clinics will only be allowed in C2 or the Route 119 corridor.

Solicitor Witt stated Highway Commercial. He noted anyone wanting to open one outside that would have to go through the Zoning Hearing and go through that process. He added there are other medical facilities that could be located in other areas, such as doctors’ offices and hospitals.

Mayor Lincoln questioned places such as Holistic Living.

Solicitor Witt answered that would depend on what uses are conducted there. He clarified they would likely fall under professional office.

Mayor Lincoln thanked Solicitor Witt for his work on this proposed ordinance and noted how important this is for the future of the City.

A vote upon the adoption of the resolution resulted as follows: Affirmative were Councilmembers Karpiak, Topper, Keedy and Tiberio and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.

Resolution No.: 2-15-2022: “To hire Bill Whetzel as an Employee to be employed by the City of Connellsville as UCC Officer, pursuant to the Third Class City Code; and Employee is trained, certified,

and able to provide such Uniform Construction Code Administration and Enforcement Services; and the City and Employee desire to enter into a written Employment Contract in order to establish and clarify the terms and conditions of Employee's employment as UCC Officer and Employee shall be subject to the Third Class City Code, applicable laws, and the City's polices, practices, rules, and regulations as a part-time (no benefits) employee."

Mayor Lincoln thanked Councilman Keedy for finding Bill and working to get this done. He added Whetzel will officially start on March 7th which is when the City will take over their own UCC Permitting.

A vote upon the adoption of the resolution resulted as follows: Affirmative were Councilmembers Karpiak, Topper, Keedy and Tiberio and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.

REMINDERS:

Kindness Thursday, Carnegie Library, Somerset Trust is a sponsor of the event, 5 PM – 7 PM, shirts are \$15, half the money is going to Community Ministries, refreshments supplied

February 26th, Fitness Warriors for Aurora, Community Center Gym, Class begins 10:30 AM, \$20, Fitness class is 90 minutes, 50/50 and chance auction

February 26th, Central Fellowship Church's Free Lunch, 11 AM – 12:30 PM, meat loaf is the next meal

February 27th, 7 PM, Karaoke & guest bartending, Bud Murphy's. \$1 from every pizza sold will be donated to the Heart to Hope Telethon, Heart to Hope personalities will be bartending. Open Karaoke.

March 12th, Heart to Hope Telethon, 1 PM – 9 PM, Community Center, broadcast on Armstrong

March 12th, 11 AM – 2 PM, Simply Soup Walk, \$10, tickets available at Connellsville Canteen and Appalachian Creativity Center

April 9th, 8 AM – 10 AM, Breakfast with the Colonial Easter Bunny, Canteen, Adults \$15, Age 4 to 8 \$10, age 3 and under \$3, Must RSVP (only 40 seats available) 724-603-2093

KEEDY:

Resolution No.: 2-16-2022: "To transfer \$200,000.00 from the general fund into the "Investment Account" at Somerset Trust Company."

Councilman Keedy stated there is extra money in the General Fund and the City gains interest in the Investment Account, so we are transferring it to gain interest.

Mayor Lincoln stated it is great the City didn't have to take a TAN Loan out again.

A vote upon the adoption of the resolution resulted as follows: Affirmative were Councilmembers Karpiak, Topper, Keedy and Tiberio and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.

KARPIAK:

Health/Code Officer's Report

Councilman Karpiak stated there are new garbage people coming out, Dave and Beth. He added Dave is a good guy and with Waste Management once and he looks forward to things getting better.

Councilman Karpiak stressed for residents to put your garbage in a can that has a lid on it. He noted the City is going to enforce their ordinances which states you must have your garbage in a can with a tight lid.

Councilman Karpiak stated you are not permitted to keep your indoor furniture on your outdoor porch.

New Haven Hose Report by Lieutenant Addis

TOPPER:

Resolution No.: 2-18-2022: "To appoint Janine Brooks to the Connellsville Recreation Board; term to expire January 1, 2027."

A vote upon the adoption of the resolution resulted as follows: Affirmative were Councilmembers Karpiak, Topper, Keedy and Tiberio and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.

Resolution No.: 2-17-2022: "To appoint Melissa Tzan as a non-voting member to the Connellsville Recreation Board; term to expire January 1, 2026."

A vote upon the adoption of the resolution resulted as follows: Affirmative were Councilmembers Karpiak, Topper, Keedy and Tiberio and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.

Resolution No.: 2-20-2022: "To grant General Braddock's Fish Club, in conjunction with the Connellsville Recreation Board, use of Yough Park on June 3, 4 and 5, 2022, for the Yough River Rally; further granting permission to have beer and wine sales with proper permits from the Pennsylvania Liquor Control Board."

A vote upon the adoption of the resolution resulted as follows: Affirmative were Councilmembers Karpiak, Topper, Keedy and Tiberio and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.

Mayor Lincoln stated the City may lose some parking at Yough when the hotel builds their event center, which they want to have complete by the end of the summer.

Resolution No.: 2-21-2022: "To grant the USDA Wildlife Services permission to trap and release ducks in Yough Park, for diseases and other testing. There will be no harm to the ducks and they will be released immediately back into the park."

A vote upon the adoption of the resolution resulted as follows: Affirmative were Councilmembers Karpiak, Topper, Keedy and Tiberio and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.

Resolution No.: 2-19-2022: "To accept the proposal of Brian DeWitt Construction and enter into an agreement, in form approved by the City Solicitor, for completion of the stage expansion project at Yough Park, conditioned upon (1) confirmation of full grant funding under terms acceptable to the City to cover the full costs of the project; and (2) receipt and approval of engineered, stamped drawings by the City."

A vote upon the adoption of the resolution resulted as follows: Affirmative were Councilmembers Karpiak, Topper, Keedy and Tiberio and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.

Resolution No.: 2-22-2022: "To hire seasonal weekday and weekend workers for the Public Works Department; money to be taken out of line item 430.145."

A vote upon the adoption of the resolution resulted as follows: Affirmative were Councilmembers Karpiak, Topper, Keedy and Tiberio and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.

Councilman Topper stated that the Recreation Board has taken over the Cleanup Event. He requested that any groups who want to get involved, please come forward.

TIBERIO:

Public Works Report

Resolution No.: 2-23-2022: "To Implement a new Sign Policy into the City of Connellsville Standard Operating Procedure Manual for the request of erecting all signs as traffic control devices that fines are administered to have a fee of \$400.00."

Mayor Lincoln added "This is an unfunded mandate that was thrown to us about transparency, now because of transparency we have to advertise in the paper which is going to cost the City thousands of dollars for everything the City does, and this sign thing is a result of that." He added the four-day rule should have been enough but now we have to charge \$400 for transparency. He added handicap signs were once \$125 and now \$400.

A vote upon the adoption of the resolution resulted as follows: Affirmative were Councilmembers Karpiak, Topper, Keedy and Tiberio and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.

Resolution No.: 2-24-2022: "To approve a recommendation from the Traffic Committee to install a Loading/Unloading sign for Demuth Florists on West Peach Street at their rear entrance."

Mayor Lincoln added that the City has to advertise for loading and unloading there now.

A vote upon the adoption of the resolution resulted as follows: Affirmative were Councilmembers Karpiak, Topper, Keedy and Tiberio and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.

Resolution No.: 2-25-2022: "To introduce Bill No. 1 of 2022, REGULATING MOTOR VEHICLES FROM MAKING RIGHT TURNS ONTO SAID STREET BELOW TO PERMIT FINES AND PENALTIES ALLOWED BY THE MOTOR VEHICLE CODE."

Councilman Topper suggest that be made "one way" so that no one can come out of there and approach 119 without going around to the light.

Mayor Lincoln stated he is fine with that as well. He added there has been major accidents where people were trying to go across the highway from there.

Bill Addis stated they have delivery trucks at Dunkin's and they may not make it down that alley.

Council discussed the size of the delivery trucks, entrances and exits and potholes.

A vote upon the adoption of the resolution resulted as follows: Affirmative were Councilmembers Karpiak, Topper, Keedy and Tiberio and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.

Resolution No.: 2-26-2022: "That this meeting of City Council does hereby adjourn."

A vote upon the adoption of the resolution resulted as follows: Affirmative were Councilmembers Karpiak, Topper, Keedy and Tiberio and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.