

**BOROUGH OF SUGARCREEK
COUNCIL MEETING MINUTES**

August 19, 2015

I. WELCOME AND INTRODUCTIONS

Council President Bogan Goughler opened the meeting at 7:00 pm, welcomed everyone to the meeting and noted there will be no hurtful or harmful speech allowed.

II. PLEDGE OF ALLEGIANCE (American Flag)

Council President Goughler led the Pledge of Allegiance.

III. MOMENT OF SILENCE

A moment of silence was observed.

IV. ESTABLISHMENT OF QUORUM

Present at the meeting were Council members Bogan Goughler, Howard Barger, John McClelland, Larry Baughman and Robert Resinger. Mayor Charles Minnick was excused. Borough Solicitor Brian Spaid, Lt. Ryan Ashbaugh and Bill Walker were present.

V. DISTRIBUTION OF AGENDA

VI. COUNCIL CHANGES TO AGENDA

VII. COMMISSION/COMMITTEE REPORTS

A. No report.

VIII. STAFF REPORTS

A. Maintenance Foreman:

1. No report.

B. Police Chief:

1. Lt. Ryan Ashbaugh presented Lt. Darin Baker and Patrolman Joseph Highfield with Life Saver Commendation Pins and Letters of Commendation for their actions and life – saving techniques, along with Community Ambulance and Rocky Grove V.F.D., which saved the life of Heather Wysocki. Ms. Wysocki experienced a medical emergency and was unresponsive with no pulse. Ms. Wysocki is expected to make a full recovery.

2. Lt. Ashbaugh updated Council on the status of Car 10, the 2004 Ford Explorer; it has been taken out of service due to its condition. Lt. Ashbaugh recommended replacing the vehicle, preferably with a four – wheel or all – wheel drive vehicle; pending Chief Carlson’s recommendation as well. Also, the Police Department has not received any applications for the open Crossing Guard position.

3. Motion by Robert Resinger, being duly seconded by John McClelland to adopt Ordinance No. 280 of 2015, which amends Section Four of Ordinance No. 143 of 1993 by adding the intersections of Fox Street and Gilfillan Street, Fox Street and Pennell Street and Fox Street and Parker Avenue as stop intersections. Motion carried unanimously.

4. Mr. Barger questioned the reasoning for the reduction in the speed limit for the section of Sugarcreek Drive from Meadville Pike and Buttermilk Hill Road. Lt. Ashbaugh stated he believed it was in anticipation of the closure of Rt. 322 and the detours on to Sugarcreek Drive during road construction. Mr. Goughler said Chief Carlson was the first to present this recommendation.

a. Motion by Robert Resinger, being duly seconded by Howard Barger to table the motion to adopt Ordinance No. 281 of 2015, which amends Section Two of Ordinance No. 124 of 1989 by establishing a speed limit of twenty – five (25) miles per hour for the section of Sugarcreek Drive, from Meadville Pike to Buttermilk Hill Road and deleting the speed limit of thirty – five (35) miles per hour for Sugarcreek Drive, from Meadville Pike to Buttermilk Hill Road. Motion carried unanimously.

C. Administrator/Special Projects:

1. Mr. Sporer presented Council with a Thank You note from Carolyn Dunlap in regards to changes made to the burning ordinance.

- D. Zoning Officer:
1. Mr. Walker reported the tree on Allegheny Boulevard that has been falling down, has been removed. Mr. Walker also stated building permits are up from this time last year. Demolition permit fees for the demolition of sheds, garages or any other accessory buildings are being waived for the summer months.
 2. Mr. Resinger questioned Mr. Walker as to why some businesses along Rt. 8 have closed. Mr. Walker stated he was not made aware of any issues or concerns. And he was not informed of the closures prior to the businesses closing and most likely financial issues or issues within the corporations are likely the reason(s) for the closures.
- E. CDBG Administrator:
1. No report.
- F. Solicitor:
1. Mr. Spaid stated he had added the intersection of Fox Street and Gilfillan Street to Ordinance No. 280 of 2015 because it was never included in an ordinance when the stop signs were placed there. He recommended the Police Department take an inventory of the all the stop signs within the Borough to make sure they match the intersections in the ordinances and if any have been taken down.
 2. Mr. Spaid said he continues to meet with Mr. Walker in regards to the Zoning Ordinance and progress has been made. Mr. Spaid clarified the difference between a Special Exception and a Conditional Use. A Special Exception is for a use that may not fit within the guidelines of Permitted Uses of a particular district, but may go before the Zoning Hearing Board for approval or disapproval. A Conditional Use is a use that is not a Permitted Use and must come before the Borough Council due to the possibility of complex or invasive issues. Mr. Spaid said every time there is an application made for a Special Exception and a Zoning Hearing Board Appeal is held, the Borough incurs costs that are not reimbursable by the applicant(s). Mr. Walker and Mr. Spaid suggest drafting in the new ordinance to make all uses either Permitted Uses or Conditional Uses, in which all applications for Conditional Uses go before Borough Council, therefore saving on costs and making the Council more involved in Zoning decisions. The Zoning Hearing Board would then be responsible for variance appeals or appeals from decisions made by the Zoning Officer. All changes to the Ordinance must go through the Planning Commission first. Mr. Barger, Mr. Goughler, Mr. Baughman and Mr. Resinger would like to see that change made to the Zoning Ordinance. Mr. McClelland would like additional time to think and consider the change.
 3. Mr. Spaid also updated Council on a letter he received from District Attorney Shawn White in regards to Mayor Minnick's current domicile status. D.A. White stated he has received numerous anonymous complaints, but did not take these complaints seriously because they were anonymous. In August of 2015, Ms. Linda Turner filed a formal complaint and D.A. White believed a review of the matter was warranted. D.A. White stated he would like to have the matter clarified with Council as to avoid any legal action. Mr. Spaid said he is aware Mayor Minnick has been spending time in Florida but continues to own a residence in Sugarcreek Borough and it currently is for sale. Mayor Minnick will need to speak with Mr. Spaid and clarify his residency. Mr. Sporer reiterated Mayor Minnick has told him his house in the Borough is for sale and there is a potential buyer. Mr. Baughman recommended that whoever speaks with Mayor Minnick, direct him to Mr. Spaid. If Mayor Minnick resigns, then Borough Council has thirty (30) days to appoint someone to that position.

IX. COUNCIL REPORT

- A. Mr. Baughman questioned if the stop signs at the intersection of Gilfillan Street and Kennerdell Street must be removed since they are not included in an ordinance. Mr. Spaid said if they are temporary, for road work, then they may remain up until the work is completed. If they are going to be permanent signs, then they must be included in an ordinance.
- B. Mr. Goughler reported he has received requests from Reno residents to add a four – way stop sign at the intersection of Walnut Street and Fifth Street, in Reno. Lt. Ashbaugh

said he believes that is an issue that could be resolved once the stop sign inventory is completed and changes to the ordinance could be made at one time.

X. PUBLIC PARTICIPATION (*limited to 3 minutes each*)

- A. Sid Gramley questioned what the status of the right – of – way on Cedar Street petition was and he feels his representative on Council did not represent him on this issue. Mr. Goughler said the petition has been ruled invalid. Mr. Gramley also questioned if he would be able to put a driveway in behind his property along the paper street section of Cedar Street. Mr. Goughler said building on the Borough's right – of – way is not permitted. Mr. Spaid stated he has not been instructed by Council to draft an ordinance to vacate the paper street section of Cedar Street and the Council could not guarantee that one day the Borough may or may not chose to vacate that section at a later time or another petition could not be circulated again.
- B. Mike Garbacz wanted to congratulate the Police Department, Rocky Grove V.F.D. and Community Ambulance on saving the life of Ms. Wysocki. He asked who is responsible for maintaining the alleys in Reno and what can be done to maintain them. Mr. Sporer stated the Borough does not own the alleys. Mr. Garbacz then questioned what the Borough could do to gain ownership of the alleys. Mr. Spaid said he could look into the request, but it will be at a cost. Mr. Spaid recommended not incurring such an expense at the Borough's cost.

XI. APPROVAL OF MINUTES

- A. Motion by Larry Baughman, being duly seconded by John McClelland to approve the minutes of the July 15, 2015 Council Meeting. Motion carried unanimously.

XII. FINANCIAL REPORTS

- A. Motion by Robert Resinger, being duly seconded by Howard Barger to approve the payment of bills/issuance of checks as presented by the Treasurer. Motion carried unanimously.

XIII. OLD BUSINESS

XIV. NEW BUSINESS

XV. CORRESPONDENCE

XVI. BOARD OF APPEALS

XVII. EXECUTIVE SESSION

Council recessed at 7:52 pm for an executive session to discuss personnel and legal issues which, if conducted in public, would violate a lawful privilege of information or confidentiality protected by the law and any action to follow. The meeting was reconvened at 8:56 pm.

XVIII. NEW BUSINESS (Con't)

- A. Mr. Spaid said the Borough has received an application to have a Group Home go in at 110 Elm Street. The Borough cannot deny the application based on the definition in the Zoning Ordinance of what qualifies as a single – family dwelling. A family is defined as one (1) or more persons related by blood, marriage or foster placement or no more than four unrelated individuals living in one dwelling. The application is for three disable individuals; therefore it qualifies as a single – family dwelling.

XIX. ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 8:58 pm.

Joseph M. Sporer, Borough Manager

Bogan Goughler, Council President