
Minutes of the Borough Council Zelienople, PA

3/8/2021

7:30 PM Council-Regular

MasterID:

691

The March 8, 2021 Council Meeting of the Zelienople Borough Council was called to order at 7:30 PM by Council President Allen Bayer in the Council Chambers located at 111 W New Castle St., Zelienople PA 16063. This meeting was held in a limited in-person environment as well as remotely through the WebEx technology due to the coronavirus pandemic situation and to comply with the Governors order to limit in person public meetings. It still complied with all rules of advertisement and the public had access to the meeting and was able to participate. In-person attendance were Council Members, Allen Bayer, Andrew Mathew III, Mary Hess, and Doug Foyle. Attending remotely were Council Members Marietta Reeb, Ralph Geis, and Gregg Semel.

Also, in attendance were Assistant Borough Manager Andrew Spencer and Police Chief James Miller. Attending remotely were Solicitor Bonnie Brimmeier, and Borough Engineer Tom Thompson.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Andrew Spencer.

VISITORS

Attending in person were Daniel Karns, Megan Davis, Zachary Shumaker, Joe McCombs

Attending virtually were Jeff Peters, Matthew Edwards, Tom Bardol, Anthony Corridoni

PUBLIC COMMENT:

Joe McCombs introduced himself as a candidate for District Judge.

CONSENT AGENDA:

A motion was made by Mr. Geis, second by Mr. Foyle to approve:

- Minutes of the February 22, 2021 Council Meeting
- Transfer of Funds, \$150,000.00 from the Electric Fund to the General Fund, if needed.

Motion carried 7-0.

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OLD BUSINESS:

CONSIDER AUTHORIZATION TO ADVERTISE PROPOSED ORDINANCE #874-21 TO AMEND THE ZELIENOPLE CODE CHAPTER 174, "PEACE AND ORDER", PEACE AND ORDER, BY ADDING ARTICLE IV, "ALCOHOLIC BEVERAGE" UPON ANY BOROUGH OWNED PROPERTY AND TO PROVIDE PENALTIES FOR VIOLATION THEREOF.

Before the vote, President Allen Bayer opened the floor to public comment. Megan Davis thanked Council for the amendment to the ordinance.

A motion was made by Mr. Geis, seconded by Mr. Foyle to approve the re-advertisement of proposed ordinance No.874-21 amending Chapter 174, "Peace and Order" by adding "Alcoholic Beverage Upon Any Public Access Property and to Provide Penalties For Violation Thereof." During the past year Zelienople has experienced an increase in outdoor activities which included the sales and consumption of alcoholic beverages along the Main Street area. Some verbal complaints were received about used beer cups laying on the street and the appearance of persons drinking beer along Main Street takes away from the Family Friendly environment that Zelienople is known to provide. The Liquor Control Bureau was contacted for recommendations. The LCB only controls the sale of alcohol but does not regulate consumption in public areas and they mentioned that communities have enacted so called "Open Container" ordinances to help control the use and behavior associated with consuming alcohol in public places. The proposed ordinance does regulate the consumption of alcohol on our public areas but does provide exceptions where special events can have alcohol consumed in designated areas. Additionally, the proposed ordinance does not affect any approved sale of alcohol by a vendor licensed by the LCB. Approved beer or wine cart vendors can sell their products, but the product must be in a covered container and taken to an approved area to be consumed. The purchaser cannot just walk away and drink the beverage walking onto a public area. It should also be noted that Pennsylvania does have an open container law that pertains to open alcoholic beverage containers in motor vehicles. The proposed ordinance has been reviewed by the Borough Solicitor, PMC and Chief of Police.

The above described ordinance has been reviewed by the public and changes have been recommended. The change is in Section 1 C. The definition of Public Access property is being changed to Borough owned property.

Motion carried 7-0.

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NEW BUSINESS:

CONSIDER ACCEPTANCE OF THE BILLS TO BE PAID FOR THE MONTH OF MARCH IN THE AMOUNT OF \$693,226.04

A motion was made by Mr. Geis, seconded by Mr. Foyle to accept and approve the "Bills to Be Paid" report for March in the amount of \$693,226.04.

Motion carried 7-0.

CONSIDER APPROVAL OF REQUEST FOR AN EASTER CANDY DRIVE THRU GIVE AWAY SPONSORED BY THE ZELIENOPLE LION'S CLUB

A motion was made by Mr. Reeb, seconded by Mr. Mathew to approve the Zelienople Lion's Club Easter Candy drive through candy give away on Saturday, April 3, 2021 from 11:00am-1:00pm. The Zelienople Lion's Club requested approval from Borough Council to conduct an Easter Candy drive through give away conducted in the Zelienople Community Park's parking lot where there will be a single lane, one way, drive through marked off by cones. All cars will exit out on the far end of the parking lot back onto Beaver Street. All candy will be in pre-made sealed bags and will be handed out only to the children in cars. This will alleviate families walking up and through the parking lot and through the flow of cars. The biggest portion of the parking lot will still be available for those families visiting the playground or attending baseball practices if they have begun their season at that time.

Motion carried 7-0.

CONSIDER APPROVAL OF REQUEST FOR OUTDOOR SEATING AND SERVICE FOR THE KAUFMAN TAVERN RESTARAUNT

A motion was made by Mr. Mathew, seconded by Mr. Foyle to approve the request from Jason Eisenreich, owner of Kaufman Tavern, to have outdoor seating and service at various locations around the Kaufman House building from the first day of Spring until November 15, 2021 (weather permitting) with the following conditions:

1. All necessary Borough and PLCB rules and regulations must also be maintained yearly.
2. primary area for the Kaufman Tavern's outdoor seating and service is on the concrete pad.
3. There will be a 10:00 pm limit to outdoor seating and service.
4. All pedestrian walkway access must be maintained at the required levels and distances, especially the handicapped six (6) foot criteria.
5. The areas and walkways must be kept clean daily. Given the nature of the walkway stones, all cleaning agents used and how to use them must be consulted with Borough staff. Reason is that the walkway stones seals are porous, and all rainwater and drainage is channeled through them into the stormwater sewer system.
6. All necessary insurance coverage as additional insured.

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7. This request is for 2021 and must be requested annually prior to the intended start date.

Motion carried 7-0.

CONSIDER APPROVAL OF SPECIAL EVENT PERMIT APPLICATION FOR OUTDOOR DINING TENTS

A motion was made by Mr. Mathew, seconded by Mrs. Hess to approve the Special Event Permit Application for Outdoor Dining Tents provided by Matthew Edwards, representative on behalf of the Zelienople Area Business Association, to be held from May 1, 2021 through October 31, 2021 open to the public every day and located at the Spring Street municipal parking lot and Four-Corners Park - Southeast corner provided that they coordinate communications with and be responsive to the Chief of Police and Public Works Director as needed and comply with the Borough of Zelienople's Special Event Rules, Code of Ordinances Chapter 174, Special Events and Alcoholic Beverages, Parades and Public Gatherings and all applicable Federal, State, and Local laws.

Motion carried 7-0.

CONSIDER APPROVAL OF SPECIAL EVENT PERMIT APPLICATION FOR THURSDAY NIGHT OPEN AIR MARKET

A motion was made by Mr. Mathew, seconded by Mrs. Hess to approve the Special Event Permit Application for the Thursday Night Open Air Market provided by Angie Dawson, representative on behalf of the Zelienople Area Business Association, to be held from May 6, 2021 through October 31, 2021 from 5pm to 9pm every Thursday evening along the sidewalks of the Main street corridor and including the Spring Street lot provided that they coordinate communications with and be responsive to the Chief of Police and Public Works Director as needed and comply with the Borough of Zelienople's Special Event Rules, Code of Ordinances Chapter 174, Special Events and Alcoholic Beverages, Parades and Public Gatherings and all applicable Federal, State, and Local laws.

Motion carried 7-0.

OTHER BUSINESS:

- Jeff Peters questioned on correspondence on Timberbrook residents concerns over the pending Glad Run Development and expressed desire for a speed bump; the Chief will do a traffic/speed count with the traffic analyzer.
- Councilwoman Hess requested police presence along Clay Street as vehicles are being struck.
- Councilman Mathew noted 2 hour parking along Main Street and noted council always goes out of their way to listen to feedback from residents and businesses when creating ordinances.
- Anthony Corridoni questioned an out of service fire hydrant.

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Council President Bayer and Solicitor Brimmeier asked for an Executive session on legal and contractual matters.

The meeting was recessed at 8:06 PM.

Council went into executive session at 8:09 PM and returned at 8:44 PM.

MOTION TO CONSIDER APPROVAL TO SET WESTERN BUTLER COUNTY AUTHORITY (WBCA) METER READING FEES TO \$0.474 PER READING, EFFECTIVE JANUARY 1, 2021

A motion was made by Mrs. Hess, seconded by Mr. Geis to approve setting Western Butler County Authority (WBCA) meter reading fees at \$0.474 per reading, effective January 1, 2021.

Motion carried 7-0.

Being no further business or actions, President Bayer closed the meeting at 8:45 PM.

ATTEST:


Assistant Borough Manager


Council President

Approved by me this 29th day of March, 2021.


Mayor