

MEADVILLE CITY COUNCIL
Regular Meeting
February 6, 2024

Call to Order	The in-person meeting of City Council was called to order at 6:00 p.m. by Mayor Jamie Kinder. Deputy Mayor McKnight and Councilmembers Gretchen Myers, Jim Roha and Autumn Vogel answered on the call of the roll. City staff present were Manager Maryann Menanno, City Solicitor Tim Wachter, City Planner Peter Grella, Finance Director Tim Groves, Community Development Director Renna Wrubleski, and Recording Secretary Darla Boca. Junior Councilmembers Agatha Crowley and Daniel Servey sat as representatives for the evening. Junior Councilmembers Tatum Gorney and Elias Ramsey were also in attendance.
Public Comment on Agenda Items	None.
Notice of Executive Session Meeting	Ms. Menanno noted that there was an executive session held on February 6, 2024, immediately prior to the regular council meeting. Solicitor Wachter indicated that it was for legal advice in a concern for the city as well as personnel.
Approve Minutes	Councilmember Roha moved to approve minutes from the January 16, 2024, meeting. Councilmember Myers seconded. The roll call was unanimous.
Communication to Council	None.
Manager’s Report	<p>RTKR Update Ms. Menanno noted there have been 13 Right to Know Requests for 2024. No legal fees but anticipate some coming.</p> <p>ABC Updates Vacancies for Beautification Committee, Water Authority, Sewer Authority and Shade Tree Commission. Have received a number of applications – 5 for Beautification, 2 for Water Authority, 2 for Sewer Authority and 2 for Shade Tree. ABC Chairs and Council Liaisons will be emailed to work on setting up those interviews.</p> <p>Walk Works Grant The Pennsylvania Downtown Center sent it to me to sign. No action from the council is needed.</p> <p>Renna Wrubleski – Initiatives Update Community Development Director Renna Wrubleski shared some of the work she does with the Meadville Independent Business Association through her role. Ms. Wrubleski indicated that the City is a dues paying, voting member of MIBA. \$100 per year for membership and that goes towards supporting all of the First Friday events through the year. As part of that, also attends all of the MIBA meetings. Reasons for this is that it allows the City to stay informed of events that are happening downtown as well as the experiences of downtown business owners. Allowing the City to stay in the loop on those things. I have a section on the MIBA meeting agendas to share any news or updates from the City. Provides direct communication channel</p>

	<p>with MIBA and downtown businesses for me to be there. People know who I am, what I do and they feel they can contact me if they ever want to reach out or talk to me about anything. Have agreed to co-chair with Josh Sherretts of the Historical Society a First Friday event in May with the theme of Celebrate Meadville since May 12th is Meadville’s Birthday – 236 years old. Also as part of the First Friday events, we do our best to accommodate any requests from the businesses for the events they have going on – such as street closures, street sweeping, auxiliary police presence to help make the events successful.</p> <p>Additionally, the City is a member of the Chamber of Commerce. The City has sent several employees through the Leadership Meadville program. There is City investment in these programs, communicating and networking with the businesses and industries in the area.</p> <p>Also, the City is contributing to a marketing video that is being spearheaded by the Visitor’s Bureau. Meadville Medical Center, Allegheny College and, I believe, Accutec and some other businesses have come together to get a promotional video for the City.</p> <p>Our City Facebook page now is doing a business highlight once per week. There is a Google form if businesses are interested in being featured, fill out the form with their information then every Thursday we will post that highlighted business. The first business was JT’s Steamtable Restaurant Catering, it seemed to do very well. Received over 100 likes, over 20 shares, a lot of positive feedback on it. Posts are lined up through April. The form is pinned on our Facebook page.</p> <p>Mayor Kinder thanked Ms. Wrubleski for being that liaison and keeping council up to date with what’s going on with our downtown.</p>
<p>Old Business</p> <p>Ordinance - 3rd & Final Reading – Zoning Ordinance</p>	<p>Deputy Mayor McKnight motioned for the Ordinance. Councilmember Roha seconded.</p> <p>Ms. Menanno presented the Ordinance.</p> <p>AN ORDINANCE OF THE CITY OF MEADVILLE, CRAWFORD COUNTY, PENNSYLVANIA, AMENDING THE CODIFIED ORDINANCES OF THE CITY OF MEADVILLE BY REPEALING THE EXISTING ZONING CODE OF THE CITY OF MEADVILLE, ARTICLE 1301 THROUGH 1314, AND ADOPTING A NEW ZONING CODE FOR THE CITY OF MEADVILLE AND ADDING THE NEW ZONING CODE TO THE CODIFIED ORDINANCES OF THE CITY OF MEADVILLE AS ARTICLES 1301 THROUGH 1314, FOR GENERAL PURPOSES OF MAKING THE CITY’S ZONING REGULATIONS CONSISTENT WITH THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, THE STATE LAWS GOVERNING ZONING REGULATIONS, AND OF PROVIDING FOR THE REGULATION OF LAND USE WITHIN THE CITY OF MEADVILLE IN A MANNER CONSISTENT WITH THE DEVELOPED LAND USE PATTERNS WITHIN THE CITY, THE CITY OF MEADVILLE COMPREHENSIVE PLAN OF 1993 AND THE SUITABILITY OF LANDS FOR FUTURE USE AND</p>

	<p>DEVELOPMENT; AND PROVIDING FOR A REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.</p> <p>Roll call was unanimous.</p> <p>Attorney Wachter offered a post-adoption advertisement that can be issued that can cure any procedural defects in the adoption of the new zoning ordinance and that will be put in place.</p>
<p>New Business</p> <p>Discussion – Marijuana Ordinance Update</p>	<p>Ms. Menanno referred to an updated version of the Marijuana Ordinance that was passed a few years ago. Now that it has been put into practice, some clarifying and clean-up needed to be done based on what we are seeing in practicality.</p> <p>Attorney Wachter reviewed the changes. The first being for Drug Paraphernalia – to align with the State code. Secondly, within the Liability procedure – the City ordinance gave the opportunity to charge a parent for a violation of a minor, which I don’t find to be appropriate or legal. We are suggesting that we remove that. Thirdly, under the Penalty provision there is language in there to assist the District Justice in the collection of costs and fees that are assessed from the resulting violations. Nothing substantially changed other than the recommendation to no longer have the ability to charge a parent with a crime for the violation of the child.</p> <p>Councilmember Vogel stated concern – that the \$300 fine was adopted as the penalty rather than a misdemeanor. I think 30 days in prison is intense if you are not being charged with a misdemeanor offense. The option to be put into jail for 30 days doesn’t sit well with me. If you can’t pay the \$300. I understand there is a desire to encourage people to pay and we talked about community service – I understand the considerations for administration of something like that. I would be much more comfortable with something like that than 30 days in jail.</p> <p>Councilmember Roha interceded that it really isn’t 30 days in jail – it is not more than 30 days. That could be 1 day. Councilmember Vogel stated ” but it could be 30.” To spend 30 days in jail for getting caught with weed is – it could really ruin someone’s life, even if we are taking away the misdemeanor charge and that still concerns me.</p> <p>When questioned by Councilmember Myers as to his take, Attorney Wachter stated that he would need a consensus of council as to how to go. That is the ceiling as to what we can provide punishment for. The District Justice has requested specific language for this in order to collect on these items. We if wanted to go for less time, we could but you need to let me know. Ms. Menanno then stated that the risk is that if the District Magistrate is not comfortable with the language in the Summary Offense, he will push for it to be filed as a misdemeanor instead.</p> <p>Mayor Kinder requested clarification that if someone doesn’t like the language in the ordinance that we put forth that they have the ability to say don’t have to go by it and that it is a misdemeanor. Attorney Wachter answered that the District Justice can refuse to accept the charge if you say this is how I want this to be charged, but the District Justice refuses to</p>

enforce that, then it is as if there was no charge whatsoever. It will put the police in the position that if there are charges to be filed, it has to be under the State code. Practically, if you want to have a City provision that is less than the State code, that is going to be enforced, you should consider going with the recommendation of the individual that is going to be enforcing it.

Councilmember Vogel further questioned what Judge Pendolino's range of tolerance is. Is it this as exactly put in front of us or nothing? Attorney Wachter indicated that this is the language specifically as it comes out of the 3rd Class City code that states if you are going to have a violation of the criminal action, this is the range that is there. It is the suggested language that we have received as well. Councilmember Vogel again asked if there is a range of tolerance that might overlap with ours. 30 days seems intense – I don't want to put people in jail over marijuana possession at all. If it could be less than that, then maybe. Councilmember Roha clarified if you read the ordinance that the 30 days would only kick in if people don't pay. Councilmember Vogel – so people that don't have \$300 available to them have no choice but to spend up to 30 days in jail. Councilmember Roha – but they can make payments. Attorney Wachter agreed that there are payment arrangements. Councilmember Vogel – I'm not interested in penalizing poor people, if we can help it.

Mayor Kinder –this was brought to us by the police department, they are the ones who also backed this and this language. I'd like to know their opinion on it. Are they okay with 15 days, no days, community service so we can get some work? What are they thinking? What are all of the options?

Ms. Menanno indicated that in the original ordinance the 30 days was internally left out due to Council's concerns, which at the time the police department was comfortable in moving forward with that and that is why there wasn't any pushback on their end about what appeared in the ordinance. Now that it is going before the judiciary, things have changed. I don't believe the police department's position has changed on that language, but we can review.

Mayor Kinder clarified that the 30 days was not in the ordinance, but that Judge Pendolino wants it to be in there or he just wants something? Ms. Menanno – something with teeth to allow them to collect. Some incentive for them to collect. Councilmember Vogel agreed that was fine but hoped that we can find common ground.

Attorney Wachter stated that if Council wanted to propose another time period, then we can work on a draft. This is just in front of council for discussion, not adoption. If there is a consensus among Council – wanting to go to 10 days or 5 days, 12 years - left me know – we can't go beyond 30 days.

Councilmember Myers – do you think that the 30 days is Judge Pendolino's choice or is that the State? Attorney Wachter believed that this the language in the 3rd Class City Code regarding criminal violation of local ordinances' it is the ceiling of what we can do.

Councilmember Roha asked “could this be amended to; read Up to but not greater than 30 days?” Attorney Wachter stated that it is the same, just different verbiage.

Councilmember Vogel then added - if someone is paid minimum wage, \$7.25, in the state of Pennsylvania, that to offset the fine, they could be in jail for a little over a day and a half- say 2 days, then you have served your time that is monetarily equivalent to the fine, that you could take 2 days off and not lose your job – maybe. Recognizing that is a low floor, can we see if Judge Pendolino would entertain 2 days and let him make a counter. Attorney Wachter – I honestly don’t believe that we are going to have much of an opportunity to negotiate this with the Judge. We have received some direction from him as what he would like to see in terms of enforcement of the ordinance and application of the ordinance. If we come up with a solution that you believe is reasonable under the circumstances, then we put it into place and see how it flies. We don’t necessarily negotiate these things. The Judiciary will not negotiate, they will tell us their response after it has been adopted.

Deputy Mayor McKnight – what about probation until after all fines are paid. Attorney Wachter – I don’t believe that we have the power to enforce that. That can be done under the State codes, but we don’t have that power under the 3rd Class City Code. Deputy Mayor McKnight – isn’t there a way that they could sign a promissory note? That instead of going to jail, that they sign. I know it was done here before – back in the 60’s/70’s. A lot of my friends would get in trouble and get a citation – they would be on probation until their fines were paid. Attorney Wachter – there are payment arrangements that can be put into place – maybe we are just not using similar terms, but you can stay under the jurisdiction of the court until such time that payment has been made. That would happen now under a payment arrangement. It wouldn’t be true probation – you wouldn’t need to check in with a probation officer, but you would stay under the jurisdiction of the court until the fines are paid. Deputy Mayor McKnight – I understand and agree with the money thing, the purpose of the law is to deter – but we don’t what to use it with these young kids, let’s be realistic, they are going to be out experimenting – do we want to ruin their life with an offense like that? I would be interested in probation and fines and maybe counseling if it’s a problem. We need to let them know it is an offense, but we are willing to work with them. Not to just tear up their life.

Councilmember Roha – the idea behind this ordinance is to prevent their lives from being ruined. If this is not acceptable to the court, they will simply end up charging under the misdemeanor which has far more severe consequences, far more expenses and greater than or equal to the fine at the bare minimum.

Junior Councilmember Crowley asked if the age range for this is 14 to 17. Attorney Wachter answered that it is for everybody.

Mayor Kinder – if we say no days is what we want, if that is not what the Judge wants, he is going to recommend to the police to charge them with a misdemeanor and then the police can decide not to charge/ Or charge them with the misdemeanor? Attorney Wachter – he is not going to enforce the

local ordinance; he is not going to hold people liable for that. The decision to change is really directed by the District Attorney. But the question as to whether the ordinance is enforceable is a question for the District Justice.

Councilmember Vogel asked at what point does it come before Judge Pendolino? Someone is caught in possession of small amounts of marijuana or drug paraphernalia, at one point it was in the officer's discretion, I thought, to write it up as a summary offense as a fine or to send it to court. So, there's that first opportunity, at the point of interaction with a police officer, where they can send it one way or the other – this is if they send it the other, right? If they send it to the judge and it is in front of the judge.

Ms. Menanno answered that they have the opportunity with the summary offense to just pay the fine, they don't go in front of the District Magistrate if it's under the summary offense. If they choose not to respond or they fail to pay, then it goes in front of Judge Pendolino. Councilmember Vogel – it gets turned over to Judge. That's what we are talking about, the point in which it gets turned over to the Judge. It's not in the Meadville Police Department anymore. Attorney Wachter likened it to a speeding ticket, where if you plead guilty and pay, if you don't you go to the court and have a hearing. Councilmember Vogel understood the connection that this is the next step in the process if not paid, it escalates. Further asking if people get a summary offense for the \$300, if they enter into a payment plan do they do that with the police department? Ms. Menanno answered that they would go to the magistrate, but they don't have to appear in front of the District Magistrate, they will go right to one of the clerks and they will set up the payments.

Councilmember Vogel followed with they can just come in within hours of operation and say, "I'm trying to pay this off over time" and that's it.

Councilmember Roha queried if the fine could be less than \$300, could it not? Ms. Menanno responded no. It is fixed at \$300.

Mayor Kinder questioned the ordinance that states "Marijuana and Drug Paraphernalia". Ms. Menanno answered related to marijuana. Mayor Kinder stated to me, that says "I have a small amount of marijuana and a needle with fentanyl" maybe we should relate the two? Attorney Wachter stated that is the state definition of drug paraphernalia. Mayor Kiner followed with it seems like it can be misconstrued in different ways. Ms. Menanno – it has been. Those charges not related to marijuana paraphernalia have been thrown out if the officer has tried to charge under a summary offense. If someone has paraphernalia other than marijuana, if the officer would try to charge under that summary offense, it has been thrown out by the judge. Councilmember Vogel questioned the summary offense, the ticket has been thrown out? Attorney Wachter answered if you look the definition of paraphernalia – it is a device, instrument, apparatus or object used for the purpose, all those things, of introducing marijuana into the human body. That language that is underlined complies with the state code of provisions. So, it is the piece of paraphernalia that is used for introducing a different drug into the body, they can't charge under this, they don't have that leeway.

Councilmember Vogel was curious as to an update as to how many times have we gone with the summary offense rather than gone to the court. How many, what volume of people are we talking about? That haven't been

	<p>able to pay or are refusing to pay. Are they refusing to show? Would be interested to have more context to understand the magnitude, the number of people we are actually talking about. How frequently this is happening. Ms. Menanno indicated that is information that can be gathered.</p> <p>Mayor Kinder asked if everyone was good with the discussion and getting the information. Council agreed.</p>
<p>Public Comment on Non-Agenda Items</p>	<p>None</p>
<p>Councilmember Statements</p>	<p>Junior Councilmember Servey: No comment.</p> <p>Junior Councilmember Crowley: <i>Nothing at this time.</i></p> <p>Councilmember Roha: <i>No statements.</i></p> <p>Councilmember Myers: <i>It's the 50th anniversary of the MARC. They are doing a \$50 for 50. They are trying to increase the Endowment Fund by \$150,000 this year. So that in 50 years, would have grown to \$7 million dollars. To that end, we have cups, glasses and candy bars. \$10 per cup and \$2 per candy bar. There is a QR code on the flier and on the MARC or the website to go to donate. They will take any amount; you don't have to do the 50. They have some events planned throughout the year. I believe that Mike (Crowley) is doing a big story next month for the kickoff. You will get cheap refills at the MARC if you use the refreshment stand. Other fun events to be announced during the spring and summer. Honestly the Rec has had a huge impact on my life. Mayor Kinder added she remembered going there when she was young, they had to walk back, but I remember every time we went swimming and we'd walk home in the cold, my mom would have chicken soup ready for us and it was so fun. My kids worked there, and they grew up there. It's an asset to our community and we have to keep it up and running, doing well so that future generations can use it.</i></p> <p>Deputy Mayor McKnight: <i>No statement.</i></p> <p>Councilmember Vogel: <i>Parking townhall – it was well attended, people care a lot about parking in Meadville. It was really great that we had space for people to share that care. For everyone to hear from Peter and now know Peter to have a direct line of communication to him for all of their parking related concerns. So, go to Peter, not me. Just kidding. It was good, I think, in particular it wasn't clean, I appreciate that we were inviting people into the messy work of government and democracy and saying we don't necessarily have an answer, but we're working towards one and what's important to you. I'm glad that we had it, I'm glad that we could invite people into that. For</i></p>

people to see all the complicated variables that we are weighing. I appreciate Peter for hosting the space. Thank you to the library for remaining open late for us. Sad update, I received word from the Crawford County Heritage Association that we did not get our little spending pot for the junior councilmember program. We will fundraise, just like what Gretchen is doing for the MARC. If anyone wants to give to a special fund for the junior council program, maybe we can set that up. Thanks a lot Community Foundation. Just kidding, they give a lot, we are grateful. On Monday night from 5:30 to 7:00, there is a community listening session as part of our preparation for the WalkWorks Grant. We want to hear from folks about their experience walking, biking, rolling around town, using the bus. We'll also talk to people about what we are going after, what an active transportation plan entail. Peter will do that too. At the library, upstairs, there will be refreshments.

We did get approval for shared energy manager. We have been assigned a shared energy manager. This is additional capacity to do some kind of energy conservation, clean energy projects. We've talked about solar projects a lot, but no one has taken on that project to get us over the finish line, partly my fault. So, this speaks to the needed capacity there, and hopefully the shared energy manager will be able to do all the things that we've got in the works. We're working with Wilson Engineering, a local firm – who the state sues for this – and we are lucky enough to be their home community. That will be nice. That is kicking off soon. Hopefully we will see some of these projects, at least one of them, move. Last thing that I want to share is that there is an effort underway, we are exploring ways to build community wealth in Meadville, Pennsylvania to benefit all of us. As part of that, the college's Center for Political Participation, their students are helping out with that programing and they will present a Talk in Tippie on February 15th at 12:30 with Elizabeth Smith of Accutec talking about their ESOP Structure, their employee stock ownership plan structure. They have an ESOP model. C&J is 100% ESOP now as well. That is a mechanism for building wealth in the community. I think that will be a great talk, I do think lunch is provided. Anastasia is playing now at the Academy Theatre. I am operating one of the spotlights.

Mayor Kinder:

I went to the Economic Progress Alliance; they gave us an update on some of the things that they are doing. The walking trail that they have that will go around Bessemer is supposed to be completed in June. So that is a cool thing. Also, nobody mentioned it – it is Black History month. So, I want to make sure that everyone realized that it is. Learn something new, understand what city you live in, that we are a very cool place to be black. 2nd District was one of the first integrated schools in the state. Don't let anyone tell you that we are not progressive and we're not a cool place to be. I'm excited, people start learning about Black History and although it is American History, people take a focus on Black History this month. So, use all 28 days and get to know some black people. 29 days this year! Find one of us and get to know us, we're here, we've been here for a long time.

Adjournment	With no further business to come before Council, Councilmember Roha moved to adjourn. Deputy Mayor McKnight seconded, and the roll call was unanimous. The meeting was adjourned at 6:40 p.m.
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Maryann Menanno, Interim City Clerk

Jaime Kinder, Mayor