

**WARREN CITY COUNCIL
PUBLIC HEARING AND REGULAR MEETING
JANUARY 21, 2013 – 7:30 PM**

PUBLIC HEARING: PROPOSED ORDINANCE – BUILDING CODE

Mr. Cashman, Council Vice-President, opened the Public Hearing and stated that it was for the purpose of receiving public comment regarding a proposed City ordinance which would adopt and also amend sections of the PA Uniform Construction Code.

Mr. Gustafson stated that the proposed City ordinance would adopt and also amend sections of the PA Uniform Construction Code (UCC) as permitted by Section 503 of the Act. The current ordinance that previously adopted and amended the UCC in 2006 would be repealed. The proposed ordinance more accurately defines activities which require a building permit which are in excess of the minimum requirements of the UCC and were also in effect within the City of Warren prior to the adoption of the UCC.

In accord with the City's Home Rule Charter, it is required that notice of any proposed ordinance, or amendment thereto, pertaining to building codes must be published once per week for three weeks in a newspaper of general circulation prior to its adoption and this requirement was met. Section 503. (d) of the Uniform Construction Code also requires at least one public hearing, notice in a newspaper of general circulation in the municipality at least seven (7) days, but not more than 60 days, in advance of a public hearing and prior to adoption of the ordinance. This requirement has also been met.

In addition, notice of the Public Hearing and publication of the proposed amendment must appear on the Department of Labor and Industry's web site for a minimum of 30 days prior to the Public Hearing. This requirement has also been met.

There being no citizens present who wished to provide comment, the hearing was closed.

OPENING OF REGULAR MEETING

Council Vice-President Maurice Cashman presided over the January 21, 2013 regular meeting of Warren City Council in Council Chambers of the Municipal Building and opened the meeting with the Pledge of Allegiance.

Mr. Cashman stated that Council met in Executive Session immediately prior to this meeting for discussion of matters of litigation regarding the Allegheny Center for the Arts, Warren Convention Center Authority, Fire Department, and an issue on Lookout Street. Also discussed were a personnel issue and the sale of City-owned property.

Mr. Cashman noted that the meeting was being recorded by a member of the audience for purposes of college coursework.

ROLL CALL

Members present and responding to roll call were: Mr. Cashman, Dr. Ferguson, Mr. Harvey, Mr. Lewis, Mr. Park, and Mr. Zavinski. Mayor Phillips was absent. Mrs. Freenock, Mr. Gustafson, Mr. Hildebrand, Mr. Holtz, Mrs. Leary, Chief Pascuzzi, Mr. Sceiford, Ms. Stapleford, and Chief Zydonik of City staff were also in attendance.

RECOGNITION OF VISITORS

Mr. Cashman welcomed all visitors. Present were:

- Cheryl Chapel: Observing as a requisite for a college course
- Richard Chapel
- Harvey Stone: Regarding the Rotary Club's proposed Rotary Park Project
- Bill Thompson: Leadership Warren County class member regarding the Rotary Club's proposed Rotary Park Project
- Scott Curren: Leadership Warren County class member regarding the Rotary Club's proposed Rotary Park Project
- Mary Jo Zubrod: Leadership Warren County class member regarding the Rotary Club's proposed Rotary Park Project
- Amanda Kosterman: City of Warren Police Officer observing
- Dennis Flatt: Request regarding Parking Ordinance as it pertains to Branch Street
- Arthur Stewart: Request regarding Parking Ordinance as it pertains to Branch Street
- John Stewart: Request regarding Parking Ordinance as it pertains to Branch Street
- Megan Stewart: Request regarding Parking Ordinance as it pertains to Branch Street
- Susan Stewart: Request regarding Parking Ordinance as it pertains to Branch Street
- Lenny Gray: Observing
- Dan Ristau: Request to address Council regarding events
- Josh Cotton: Times Observer reporter

Mr. Ristau addressed Council and commended Mrs. Freenock and City staff for their handling of requests for downtown Christmas decorations as well as the quick resolution of snow plowing concerns.

Mr. Ristau also stated that he has many concerns regarding the recently-enacted ordinance pertaining to special events including charges for overtime costs and requirements that vendor permit applications be submitted not less than five business days prior to the event. Mr. Ristau suggested that there be separate fee schedules for non-profit and for-profit sponsoring organizations.

Mrs. Freenock thanked Mr. Ristau for his comments and indicated that the Special Events Committee will be contacting him to discuss Main Street events planned for 2013. She also stated that the City Solicitor advised that the policies regarding special events must be applied equally to all sponsoring organizations regardless of their for-profit or non-profit status.

Arthur Stewart, representing Branch Street residents, addressed Council and stated their concerns regarding parking on Branch Street during the winter months. Mr. Stewart noted that the incline of the street often makes winter travel difficult. He further stated that the limited number of options for turning around makes it difficult for residents who utilize on-street parking to park facing the appropriate direction. Mr. Stewart requested that there be relief provided regarding the direction of parking. Mr. Cashman stated that Council would take this matter into consideration and requested that Chief Zydonik investigate this matter.

APPROVAL OF MINUTES

Upon motion by Mr. Lewis and second by Mr. Zavinski, the minutes of the December 10, 2012 Budget Public Hearing and Special Meeting, with corrections, were unanimously approved by Council members present.

Upon motion by Mr. Lewis and second by Mr. Harvey, the minutes of the December 17, 2012 Regular Meeting were unanimously approved by the members present.

CORRESPONDENCE

Council members acknowledged receipt of the following correspondence:

- Mark and Karen Davis: Stating their support for the replacement of a traffic signal at the intersection of Pennsylvania Avenue West and Liberty Street

Mrs. Freenock noted that the City is in possession of the signal and required parts. However, there is concern regarding the cost of installation as the placement of required poles will involve the disruption of a portion of the heated sidewalk at the northeast corner of the intersection. Mr. Holtz indicated that he has been in communication with Northwest Savings Bank (owner of the property) and it is believed that the installation costs may be reduced. Council members requested that Mr. Holtz obtain a refined estimate and a determination as to whether Liquid Fuels funds may be utilized for the installation.

- Pennsylvania Route 6 Alliance: Requesting support for the designation of Route 6 as a National Scenic Byway. In response to Council members' questions, it was requested that Mrs. Freenock forward the following questions to the PA Route 6 Alliance:

1. Exactly what portion of Route 6, as it pertains to the City of Warren, would be designated as a scenic byway?
2. Will the proposed Scenic Byway involve any portion of Business Route 6?
3. Is it mandatory that signage (billboard) regulations specific to the byway corridor be enacted by the municipality?

Upon motion by Mr. Lewis and second by Mr. Park, Council members present voted unanimously to table further discussion of the Pennsylvania Route 6 Alliance request.

WARREN ROTARY CLUB PROPOSAL FOR DEVELOPMENT OF A ROTARY PARK

Harvey Stone, representing the Warren Rotary Club, provided Council and Staff with information regarding Rotary Parks located throughout the country as well as photos of the current condition of the proposed site at the northwest corner of the intersection of Market Street and Pennsylvania Avenue. Also presented were conceptual drawings of the proposed layout, proposed gazebo which would be ADA compliant and house a game table and benches, and proposed mural depicting the area's history. Mr. Stone stated that the proposal calls for the existing diagonal parking on Market Street to be replaced with parallel parking spaces and for the sidewalk to be re-aligned.

Mr. Stone indicated that the project would be a collaborative effort between the Rotary Club, which would be responsible for raising the necessary funding and completion of the project, and JETS Properties, LLC, owner of the property. The project, as proposed, would create green space bordering the JETS Properties parking area as required under the City's Zoning Ordinance. The mural would be placed on the eastern face of the building owned by JETS Properties.

During discussion it was noted that PennDOT should be contacted to confirm whether permitting regarding the proposed adjustment in parking spaces would be required as they abut a PennDOT roadway (Market Street). Mr. Stone indicated that the Rotary Club would like to include acknowledgement of the project sponsors on the mural. Mr. Hildebrand responded that this would need to be reviewed in regard to the City's Sign Ordinance and further noted that the parties could apply for a variance, if necessary. Mr. Zavinski noted that the United States flag is not depicted in the mural as presented and requested that it be represented in the final design.

Dr. Ferguson made the motion to approve the Rotary Club's Rotary Park Project as designed. The motion was seconded by Mr. Zavinski.

Prior to a vote being taken, Dr. Ferguson made the motion to amend his original motion by adding the provision that WestPA.net (JETS Properties, LLC) is to be responsible for the care and maintenance of the project area and City Council shall approve the final mural design. The motion was seconded by Mr. Zavinski and carried unanimously among Council members present.

The vote was then taken on the original motion as amended. The amended motion carried unanimously among Council members present.

PROPOSED BUILDING CODE ORDINANCE

(See Public Hearing prior to Regular Meeting).

Mr. Gustafson stated that the proposed ordinance would adopt, and also amend, sections of the PA Uniform Construction Code (UCC) as permitted by Section 503 of the Act. The current Ordinance No. 1751 that adopted and amended the UCC in 2006 would be repealed. The purpose of the proposed ordinance is to more accurately define activities which require a building permit which are in excess of the minimum requirements of the UCC and were also in effect within the City of Warren prior to the adoption of the UCC.

During discussion, Council members noted concerns regarding activities requiring a permit in excess of the UCC and it was requested that City Staff report back to Council with additional information.

APPOINTMENT OF BUILDING CODE OFFICIAL

Mrs. Freenock stated that in accord with PA Department of Labor and Industry regulations, it is required that a Building Code Official (BCO) be appointed annually for administration and enforcement of the Building Code. It was noted that Mary Ann Nau has completed the required BCO training and has been certified by the Department through October 2015.

Upon motion by Dr. Ferguson and second by Mr. Lewis, Council members present voted unanimously to appoint Mary Ann Nau as the Building Code Official for 2013.

REQUEST TO ADVERTISE FOR BIDS: 231-237 PENNSYLVANIA AVENUE WEST PROPERTIES

Mrs. Freenock stated that the committee appointed by Council for purposes of reviewing all properties held by the City met on January 3. At that time the committee reviewed properties within the Innovate Warren Project Area (formerly Impact Warren) including those properties which are collectively identified as 231-237 Pennsylvania Avenue West. Throughout the timeline of the Impact/Innovate Warren Project there were numerous proposals for the use of these properties; however, those proposals are no longer under consideration. Therefore, the committee recommended that these properties be offered for sale, as is, with the bid terms to include a reserve price as well as additional terms and conditions as determined by Council. Suggested conditions were:

1. Accommodations regarding the current lease of a portion of this area by Northwest Savings Bank for use as a construction staging area.
2. A statement that the City reserves the right to reject any and all bids.
3. A covenant that the properties may not be used for parking.
4. Development of the properties must commence within one year of the closing date.
5. If development does not commence within the specified time, the City shall have the right to purchase the properties at the sale price (less costs).

During discussion, Mr. Harvey stated his belief that a reserve price is not required as the City reserves the right to reject bids and recommended not including the suggested items numbered three through five.

Mr. Park expressed concern that items four and five would be in conflict with the construction lease currently held by Northwest Savings Bank (item number one) and suggested that these conditions not be included in the bid offering.

Dr. Ferguson noted the proximity to the Clark Street Parking Garage and the number of available parking spaces within the garage. He suggested that the City guard against development of a competing use. He noted that building construction would result in greater real estate tax revenues and further noted the probability that there would also be accompanying earned income tax revenues. Mrs. Freenock concurred with Dr. Ferguson that it is the City's responsibility to its taxpayers to protect the Clark Street Parking Garage income and to encourage development that will generate tax revenues.

Mr. Lewis made the motion to authorize the City Manager and City Staff to place City-owned property at 231-237 Pennsylvania Avenue West to bid for sale with the suggested conditions. The motion was seconded by Mr. Zavinski.

Before a vote was taken on Mr. Lewis' motion, Mr. Harvey made the motion to amend the motion by removing conditions three, four, and five and placing the property for bid with conditions one and two only. The motion was seconded by Mr. Park.

Before a vote was taken on Mr. Harvey's motion, Dr. Ferguson made the motion to amend Mr. Harvey's motion for amendment by including condition number three. The motion was seconded by Mr. Cashman. Upon roll call vote, the motion failed with three votes in the affirmative and three negative votes cast by Mr. Lewis, Mr. Harvey, and Mr. Park.

Council next voted on Mr. Harvey's motion to amend. The motion carried unanimously among the members present.

Council then voted on Mr. Lewis' motion, as amended by Mr. Harvey's motion. The amended motion carried unanimously.

EXPANSION OF CLAIM AGAINST TIMOTHY KING FOR AMOUNTS DUE TO THE WCCA

Mr. Lewis noted that Council previously voted to file a claim for amounts due for the Warren Convention Center Authority (WCCA) against Mr. (Timothy) King.

Mr. Lewis made the motion "That the claim for payment of the amounts due for expenses incurred on behalf of the Warren Convention Center Authority which was approved at the November 19, 2012 City Council meeting be expanded to include the appropriate businesses in which Mr. King has interest." The motion was seconded by Mr. Park and carried unanimously among the Council members present.

NATIONAL FUEL RESOURCES, INC. RENEWAL CONTRACT

Mrs. Freenock stated that the City's current contract with National Fuel Resources, Inc. (NFR) will expire soon. This contract is for the provision of natural gas service to the DPW Garage, Fire Station, Wastewater Treatment Plant (2 accounts), and the Municipal Pool.

The NFR natural gas prices stated in the proposed agreement reflect a reduction of the current rate from .514ccf to .471ccf for the larger accounts (Wastewater Treatment Plant and DPW Garage) and

from .165ccf to .1634ccf for the three smaller accounts. Historically, the City has realized savings by locking in these reduced rates.

Mr. Park made the motion to approve renewal of the contract with National Fuel Resources, Inc. for provision of natural gas service to the DPW Garage, Fire Station, Wastewater Treatment Plant, and the Municipal Pool. The motion was seconded by Mr. Lewis and carried unanimously among the members present.

STREET SWEEPER PURCHASE

Mr. Holtz stated that the City's existing street sweeper, a Johnston 605, is 13 years old and has cost nearly \$40,000.00 to maintain over the past three years. It was noted that the average life span of a sweeper is approximately 10 years.

City staff researched Tymco and Johnston brand street sweepers with each being eligible for purchase through COSTARS, a State bidding contract. The COSTARS cost of the Johnston VT650 Street Sweeper is \$213,292.20 and it was proposed that the unit be financed for five (5) years at the rate of 3.13% with annual payments of \$34,610.92 from the General Fund and \$11,536.98 from the Sewer Fund.

Mr. Zavinski made the motion to approve the purchase of a Johnston VT650 via COSTARS. The motion was seconded by Mr. Lewis and carried with 5 votes in the affirmative and one negative vote cast by Mr. Harvey.

JOHNSTON 605 STREET SWEEPER – DISPOSITION

Mr. Holtz indicated that in anticipation of the purchase of a new street sweeper, the City put out a "soft" notice to municipalities to determine interest in the current Johnston 605 unit. There was a favorable response with one municipality having already viewed the unit and others expressing interest. In accord with purchasing requirements, it is not necessary to advertise for bids when the transaction will occur between municipalities. It was suggested that, upon the new unit being placed into service, the Johnston 605 Street Sweeper be declared surplus property and offered for sale. It was requested that City staff be authorized to dispose of the Johnston 605 with first preference being sale to a municipality. Should such a sale not occur within a reasonable period of time, the City would then advertise the unit for sale with a reserve price which is recommended at \$25,000.

Mr. Holtz indicated that the Johnston 605 is in a condition such that it would be suitable for a smaller municipality with a less demanding street sweeping program than that of the City's program.

Upon motion by Mr. Lewis and second by Mr. Park, Council members present voted unanimously to authorize the disposition of the current Johnston 605 Street Sweeper upon receipt of the new street sweeper with the minimum sale price to be set at \$25,000.

AUTHORIZATION TO SIGN WARREN CONVENTION CENTER AUTHORITY AUDIT DOCUMENTS

Mrs. Freenock noted that all members of the Warren Convention Center Authority resigned in October of 2012 thereby rendering the Authority inactive. It is anticipated that audit documents relative to the 2011 and 2012 books of the Authority will require the signature of a City representative. As Donna Risinger, City Finance Officer, served as the Authority's Assistant Treasurer, it was requested that she be authorized to sign any audit documents which may be forthcoming for fiscal years 2011 and 2012.

Mr. Lewis made the motion to authorize Donna Risinger to sign Warren Convention Center Authority audit documents for FFY 2011 and FFY 2012. The motion was seconded by Mr. Park and carried unanimously among Council members present.

AUTHORIZATION TO ISSUE SOLID WASTE LICENSES

Mrs. Freenock stated that, in accord with provisions of Ordinance 1342, as amended, applications and annual renewals for solid waste licenses are to be submitted to the City Manager for review. Applications have been received from four haulers and the information was found to be complete and in compliance with ordinance provisions.

Mr. Harvey made the motion to authorize Solid Waste Licenses to be issued to Fitch Disposal, Advanced Disposal, and Casella Waste Management. The motion was seconded by Mr. Park and carried unanimously among Council members present.

APPOINTMENTS TO BOARDS AND COMMISSIONS

The following appointments were made by unanimous vote of the Council members present:

<u>APPOINTEE</u>	<u>BOARD/COMMISSION</u>	<u>TERM EXP</u>	<u>MOTION:</u>	<u>SECOND:</u>
Ben Johnson	Parks & Recreation Commission	12/31/16	S. Harvey	C. Park
Paula Bogart	Street Landscape Committee	12/31/16	S. Harvey	C. Park
Robert Dilks, Jr.	Planning Commission	12/31/16	H. Ferguson	J. Zavinski
Gregory Fraser	Planning Commission	12/31/16	H. Ferguson	J. Zavinski
Michael Boyd	Redevelopment Authority	12/31/17	J. Lewis	S. Harvey
Fran Hanlin	Zoning Hearing Board	12/31/16	C. Park	J. Zavinski
Denise Whipp	Blighted Property Review Committee	12/31/16	J. Lewis	H. Ferguson

ORDINANCE NO. 1822: LAW ENFORCEMENT KILLED IN SERVICE BENEFIT

Mrs. Freenock stated that Pennsylvania Senate Bill No. 369 of 2009 amended the Act of June 24, 1976 (P.L. 424, No. 101) concerning the payment of death benefits to the surviving spouse, children, or parents of Law Enforcement Officers who die as a result of the performance of their duties. Under this bill, the Commonwealth of Pennsylvania assumed responsibility for payments to be made to the surviving family of a police officer killed in service and, hence, such language should therefore be removed from the City of Warren Police Pension Plan.

Mr. Park made the motion to adopt the ordinance deleting Article IV, Section 4.01 of the Amended and Restated Police Pension Plan (effective as of January 1, 2002): Pre-Retirement Death Benefits in Service, in its entirety. The motion was seconded by Dr. Ferguson and carried unanimously among the Council members present.

DEPARTMENT REPORTS – DECEMBER, 2012

The following reports were presented for Council's information:

- Police Department
- Fire Department
- Department of Public Works
- Building Codes Department

Chief Zydonik noted that the Police Department is reviewing scheduling options which would reduce overtime hours. The plan would not impact overtime hours incurred due to court appearances.

ADJOURNMENT

There being no further business to come before Council, Mr. Cashman declared the meeting adjourned.