

**WARREN CITY COUNCIL
REGULAR MEETING
FEBRUARY 18, 2013 – 7:30 PM**

OPENING OF MEETING

Mayor Phillips presided over the February 18, 2013 regular meeting of Warren City Council in Council Chambers of the Municipal Building and opened the meeting with the Pledge of Allegiance.

Mayor Phillips announced that Council met in Executive Session regarding property matters immediately prior to the meeting.

ROLL CALL

Members present and responding to roll call were: Mayor Phillips, Dr. Ferguson, Mr. Harvey, Mr. Lewis, and Mr. Zavinski. Mr. Cashman was absent and one seat was vacant (C. Park resignation, 2/11/2013 minutes). Mrs. Freenock, Mr. Gustafson, Mr. Hildebrand, Mr. Holtz, Mrs. Leary, Mrs. Nau, Mrs. Risinger, Mr. Sceiford, Ms. Stapleford, and Chief Zydonik of City staff were also in attendance.

PROCLAMATION – PRESIDENTS’ DAY

Mayor Phillips presented a proclamation in honor of Presidents’ Day which encouraged all citizens to share in reflecting on George Washington’s contribution to our freedom and the founding of our nation and Abraham Lincoln’s steadfast commitment to the preservation of the United States.

APPROVAL OF MINUTES

Upon motion by Mr. Zavinski and second by Dr. Ferguson, the minutes of the January 21, 2013 Regular Meeting were unanimously approved by the members present.

Upon motion by Dr. Ferguson and second by Mr. Zavinski, the minutes of the February 11, 2013 Special Meeting were unanimously approved by the members present.

RECOGNITION OF VISITORS

Mayor Phillips welcomed all visitors. Present were:

- Frankie Zavinski: Introduction of new Music in the Park Coordinator
- Rod Welling: Music in the Park Coordinator
- Lenny Gray: Observing
- Amanda Kosterman: Observing
- Rob Greene: Observing
- Gene Casasanta: Observing
- Glenn Baldensperger: Elm Street Parking Lot
- Brent Ordiway: Observing
- Josh Cotton: Times Observer reporter

CORRESPONDENCE

Council members acknowledged receipt of the following correspondence:

- Ian Maute: Cornerstone Commons Project
Mrs. Freenock presented this correspondence which she submitted to Mr. Maute in support of a planned rehabilitation project. The project at the property presently known as “Buchanan Court Apartments” would be taken on by the WODA Group, Inc.
- Paws Along the River Humane Society: Extending the Society’s thanks for Police assistance and cooperation with the Society. Chief Zydonik noted that “Paws” is a much needed organization within the community.

MUSIC IN THE PARK

Mayor Phillips called Councilman Zavinski and Mrs. Frankie Zavinski forward to be recognized for their many years of volunteer service to the Music in the Park Program.

Mrs. Zavinski noted that their work began seventeen years prior when they saw the need to rehabilitate Soldiers and Sailors Park. With help from many volunteers, much was accomplished at the park over the next three years. Under their guidance, the Music in the Park Program was presented each summer for the past fourteen years with the exception of one year during which there was construction in the immediate vicinity.

Mrs. Zavinski introduced Rod Welling as the new organizer for Music in the Park and noted that he and his wife are accomplished musicians who have performed at the Park. Mr. Welling stated that he looks forward to his work with the program and indicated that the 2013 schedule is nearly set.

CITY PHONE SYSTEM AUTO ATTENDANT

Mrs. Freenock reported that on February 15, the City Offices implemented the Auto Attendant feature which is a component of the current phone system. Use of this feature allows callers to directly access the department or individual they wish to speak to without first speaking to a switchboard operator. There is also an option which allows callers to reach an operator for assistance when needed. While implementation of the Auto Attendant will not eliminate the need for a person to be available to answer calls routed to an Operator, it will significantly reduce the number of calls to be handled by an Operator and, thereby, will increase the efficiency and productivity of those who handle incoming calls.

ORDINANCE NO. 1823: ESTABLISHING A UCC JOINT BOARD OF APPEALS

Ms. Nau stated that the Uniform Construction Code (UCC) requires municipalities which have adopted an ordinance for the administration and enforcement of the UCC to establish a Board of Appeals. A recent amendment to the UCC further states that municipalities participating in an intergovernmental agreement for the provision of building code permit and inspection services may establish a joint board of appeals. The City has entered into Intermunicipal agreements with several surrounding municipalities. Therefore, it is required that a UCC Joint Board of Appeals be formed to hear appeals to the decisions of the Building Code Official.

Upon motion by Mr. Lewis and second by Mr. Zavinski, Council members present voted unanimously to adopt the ordinance establishing a Uniform Construction Code Joint Board of Appeals.

ORDINANCE NO. 1824: DELINQUENT RECYCLING FEE COLLECTION

Mrs. Risinger noted that at the November 19, 2012 regular meeting, Council approved Ordinance No. 1818 which provides for the collection of delinquent recycling fees. Pennsylvania Municipal Service Company (PAMS) was previously designated as the collector for recycling fees and it is now necessary to designate PAMS, by ordinance, as the collector for delinquent recycling fees and to provide for Reasonable Costs to be paid to PAMS by the delinquent ratepayer.

Upon motion by Dr. Ferguson and second by Mr. Harvey, Council members present voted unanimously to adopt the ordinance designating Pennsylvania Municipal Service Company as the collector for delinquent recycling fees and to provide reasonable costs to be paid to Pennsylvania Municipal Service Company by the delinquent ratepayer.

ORDINANCE NO. 1825: ESTABLISHING TEMPORARY PARKING RESTRICTIONS

Chief Zydonik noted that at the October, 2012 regular meeting, Council addressed a request from Northwest Savings Bank (NWS) for the establishment of a temporary loading zone. This request stemmed from obstruction of the usual loading area due to ongoing construction at the Bank's

headquarters and the need for sensitive documents to be loaded on delivery trucks as near as possible to the NWS exit. As stated in the request, construction will continue for several months and it is now necessary for the initial temporary loading zone permit to be renewed.

Chief Zydonik further stated that City Staff members reviewed current ordinances and it was recommended that an ordinance specific to temporary parking restrictions be adopted. The ordinance would allow the City Manager, or designee, to issue temporary (6-month) parking restrictions which could be renewed two times for a maximum of 18 consecutive months. Any additional time requested would require Council's approval.

Upon motion by Dr. Ferguson and second by Mr. Zavinski, Council members present voted unanimously to adopt the ordinance providing for temporary parking restrictions to be established by the City Manager, or designee.

RESOLUTION NO. 2913: STREET SWEEPER FINANCING

Mr. Holtz reported that the City is in receipt of financing documents for the purchase of the Johnston VT650 street sweeper as approved at the January 21 regular meeting of Council. One of the required documents to be provided is an "Obligor Resolution" which provides confirmation to the finance company that the governing body of the municipality has approved the purchase and financing of the equipment. The finance company is assigned when a purchase is made through COSTARS, the State Purchasing Contract. Terms of the financing are at 3.13% interest with five annual payments of \$45,327.58.

Upon motion by Mr. Lewis and second by Mr. Zavinski, Council members present voted unanimously to approve the "Obligor Resolution."

RECYCLING GRANT AWARD

Mr. Hildebrand reported that the City received notice from the Pennsylvania Department of Environmental Protection (DEP) that the City of Warren was awarded a \$52,135 Recycling Grant under the DEP Municipal Waste, Planning, Recycling and Waste Reduction Act Program (Act 101, Section 902). The grant will fund ninety percent (\$52,135) of the cost of a brush chipper machine. The City's ten percent portion (\$6,046) was allocated in the 2013 budget. As the existing 16-year old unit was purchased with grant funds, it is required by the DEP that it be traded in toward the purchase of the new unit. It is anticipated that the material chipped will be made available to residents for use in landscaping.

TRAFFIC SIGNAL: PENNSYLVANIA AVENUE & LIBERTY STREET INTERSECTION

Mr. Holtz noted that at the January 21, 2013 meeting, Council inquired whether State Liquid Fuels monies could be used for installation of a traffic signal at the intersection of Pennsylvania Avenue West and Liberty Street. After speaking with a PennDOT representative it is believed that the City may use these funds to complete the project. The City annually receives approximately \$200,000 in Liquid Fuels funds and, historically, the City has used these monies for street overlayment. Based on the most recent information received, which includes the possibility of being required to extend the length of the mast arm, Mr. Holtz estimated that signal installation costs may be in the range of \$150,000.

Mr. Holtz indicated that because the prior signal permit has been dormant in excess of two years, PennDOT will require a study of the intersection prior to issuing a new signal permit. Mr. Holtz noted that should the City request the PennDOT study of the intersection and the warrants indicate that signals should be returned to the intersection, the City would be bound to carry out the installation.

No action was taken on this matter and Mayor Phillips asked that all give consideration to additional options.

REQUEST TO ADVERTISE FOR BIDS: ELM STREET PARKING LOT PROPERTIES

Mrs. Freenock reported that the committee appointed by Council for purposes of reviewing all properties held by the City met on February 12. At that time the committee reviewed properties which comprise the area commonly known as the Elm Street Parking Lot and identified as Parcels WN 587-1185 and WN 587-1191. This property does not generate a significant amount of parking revenue and the lot surface is in extremely poor condition. To remedy the surface conditions would require an extensive and costly resurfacing project for which funding is not currently available or anticipated.

Mrs. Freenock further noted that a separate committee, which was formed and chaired by then Acting City Manager, Mary Ann Nau, met on two occasions with the owners of businesses which abut the Elm Street Parking Lot. The purpose of these meetings was to identify options which might be available to continue the use of the property as a parking lot and to determine whether these stakeholders wish to partner in any plans for the parking lot. One of the outcomes of these discussions was the suggestion that the properties be transferred to the City Redevelopment Authority for purposes of advancing economic development in this area. An additional outcome was the statement by one of the property owners that he would have interest in purchasing the property which he would then rehabilitate. Said person would work with adjoining business owners to assure their customers of a safe place in which to park. It was noted that ready availability of parking is essential to the continued operation of the businesses which abut the Elm Street Parking Lot.

It was the recommendation of Council members participating in the Property Review Committee that the properties be offered for sale, as is, with the Request for Bids to include a statement that the City reserves the right to reject any and all bids.

It was the recommendation of City staff members that the properties be transferred to the Redevelopment Authority for appropriate development and/or disposition in a manner which is mindful of the parking and ingress/egress needs of existing businesses. It was further recommended that such transfer contain a condition that any net proceeds from the sale of the property which are in excess of \$1000 be returned to the City of Warren.

Mr. Lewis suggested that the parcels be subdivided so as to expand the lot size of abutting business properties with a right-of-way being retained by the City. He noted that the business owner could then utilize the property for business expansion or parking purposes. Mr. Harvey expressed concern that this could be construed as preferential treatment and noted the need for a reasonable amount to be charged for the post-subdivision parcels. Mrs. Freenock stated that she does not believe that the City can divest itself of real property outside of the bid process.

DEPARTMENT REPORTS – JANUARY, 2013

The following reports were presented for Council's information:

Police Department

Fire Department

Department of Public Works

Building Codes Department

Chief Zydonik noted that he reviewed the request from Branch Street residents (see 1/21/13 Council minutes) and stated that the Pennsylvania Vehicle Code prohibits parking against traffic.

FOURTH OF JULY PARADE: SPECIAL EVENT FEES

Mayor Phillips indicated that he has been contacted by many who are concerned regarding the significant fees which will be charged to the Fourth of July Committee under the Special Event Ordinance (No. 1821 adopted 12/17/12). He stated that he believes the parade draws first time visitors to the City and asked that Council consider providing assistance.

Ms. Nau indicated that the ordinance calls for fifty percent of estimated municipal costs plus the Special Event Fee to be paid in advance of the event with the balance of actual costs to be invoiced following the event.

Mr. Harvey suggested that Council provide a percentage of the anticipated costs in the form of a donation to the Fourth of July Committee and further suggested that the Committee solicit surrounding communities for contributions. In response to Mr. Harvey's question, Chief Zydonik indicated that police overtime hours had been factored in the 2013 budget as the Special Event Ordinance had not yet been adopted at the time that the budget was being prepared.

Mr. Lewis made the motion, "in consideration of the uniqueness of the event", to make a donation to the Fourth of July Committee in an amount up to \$7500 toward the parade Special Event expenses incurred for 2013. The motion was seconded by Dr. Ferguson and carried with four votes in the affirmative and one negative vote cast by Mr. Harvey.

APPROVED MINUTES OF BOARDS AND COMMISSIONS

Council acknowledged receipt of the following approved minutes:

Parks & Recreation Commission	– October 2, 2012	Regular Meeting
	– December 5, 2012	Regular Meeting
Planning Commission	– October 17, 2012	Regular Meeting
Street Landscape Committee	– September 25, 2012	Regular Meeting
	– November 27, 2012	Regular Meeting

ADJOURNMENT

There being no further business to come before Council, Mayor Phillips declared the meeting adjourned.