

**WARREN CITY COUNCIL
REGULAR MEETING
APRIL 15, 2013 – 7:30 PM**

OPENING OF MEETING

Mayor Phillips presided over the April 15, 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 immediately prior to the meeting in regard to the following matters of litigation: 1) Clark Street Parking Garage, 2) amounts due to the City regarding the City of Warren Convention Center Authority (now inactive), 3) a claim regarding a \$50,000 loan made in 2009, and 4) pension plan issues.

ROLL CALL

Members present and responding to roll call were: Mayor Phillips, Mr. Cashman, Dr. Ferguson, Mr. Harvey, Mr. Lewis, Mr. Sprentz, Mr. Zavinski, and Junior Council member Cody McGraw. 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.

APPROVAL OF MINUTES

Upon motion by Mr. Zavinski and second by Mr. Lewis, the minutes of the March 18, 2013 Regular Meeting were unanimously approved.

RECOGNITION OF VISITORS

Mayor Phillips welcomed all visitors. Present were:

- Doug Baird: Columbia Gas Right-of-Way Request
- Jeff Boser: Columbia Gas Right-of-Way Request
- Lenny Gray: Observing
- Tom Frair (City Arborist): Bruce Robinson and Associates
- Bruce Robinson: Bruce Robinson and Associates
- Amanda Kosterman: Observing
- Dan Ristau: Advanced Disposal Services – Recycling Contract Bid
- Josh Cotton: Times Observer Reporter

CORRESPONDENCE

Council members acknowledged receipt of the following correspondence:

- Friends of Warren Basketball: Providing a \$500 donation in support of Phase 3 of the Beaty Park Improvement Project to be earmarked for the basketball courts
- Fourth of July Committee: Note of thanks for the City's contribution toward the 2013 Fourth of July Parade

PLANTINGS IN THE 400 BLOCK OF PENNSYLVANIA AVENUE WEST

Mr. Hildebrand stated that in the fall of 2012, in coordination with the City's Arborist, Penelec removed several trees along the 400 block of Pennsylvania Avenue West between the Hickory Street Bridge and the railroad tracks adjacent to Chestnut Street. At its expense, Penelec removed approximately 21 trees for power line maintenance purposes. The City is responsible for the removal of the stumps.

The City received numerous comments regarding the tree removals with some expressing their desire to have more trees removed and others wishing to see the trees replaced.

Mr. Hildebrand added that the City recently received a State Urban Forestry Grant in the amount of \$2,500.00 for tree plantings. The grant requires a \$2,500.00 match which will be derived from the 2013 tree planting budget.

Tom Frair and Bruce Robinson of Bruce Robinson and Associates, City Arborists, presented information regarding the species of trees proposed for planting and a long-range plan for the re-establishment of native species along the river bank.

Following discussion, Mr. Cashman made the motion to approve tree and shrub plantings in the 400 block of Pennsylvania Avenue West. The motion was seconded by Mr. Zavinski and carried with five votes in the affirmative and two negative votes being cast by Mr. Harvey and Mr. Lewis.

CONTRACT AWARD: CURBSIDE COLLECTION OF RECYCLABLE MATERIALS

Mr. Holtz stated that, as mandated by the State, the City conducts a Curbside Recycling Collection Program. Currently, the items to be collected include aluminum, bi-metal, and tin cans; plastics labeled one through seven; cardboard; newspapers, magazines, and catalogs; and clear, brown, and green glass. Collections are made twice per month and it is estimated that collections are made for 3,240 units (households). The City currently pays approximately \$49,000 per year for this service (\$1.25 per unit per month).

The City advertised and accepted bids for a three-year contract for the Curbside Collection of Recyclable Materials. Advanced Disposal Services (formerly Veolia Environmental) submitted the sole bid at a rate of \$1.61 per unit per month which includes two collections per month. This rate increases the City's annual cost to approximately \$62,500 per year. Advanced Disposal Services is the current contract provider for this service.

Dan Ristau, of Advanced Disposal Services, indicated that the per unit amount was calculated based on prior history and the type and number of items to be collected. He further noted that the recycling facility used by Advanced will allow for the collection of additional types of recyclable material.

Mr. Hildebrand stated that the City is required to recycle a minimum of four different types of materials. He further stated that the City receives funding under a "904 Tonnage Grant" whereby the greater the tonnage of materials recycled, the greater the amount of funding received.

Upon motion by Mr. Cashman and second by Mr. Lewis, Council members voted unanimously to award the 2013-2016 Curbside Recycling Collection contract to Advanced Disposal Solutions.

CONTRACT AWARD: CLASS AA CONCRETE

Mr. Holtz stated that the City advertised and received bids for the furnishing of an estimated 100 cubic yards of Class AA Concrete to be used by the City's Department of Public Works in 2013. Two bids were submitted and were provided for Council's review.

The two bidders submitted identical prices for concrete. In order to resolve this situation, the City invited both parties to the City Offices to "draw lots in public", as per the City's Purchasing Code, §Section 328 which states, "If two (2) or more of the lowest bids received are for the same total amount or unit price, quality and service being equal, an offer to split the contract evenly between the two (2) bidders may be made, or the contract re-bid, or where the decision can be made in no other way, the contract may be awarded to one (1) of the tie bidders by drawing lots in public."

Little Lisa, Inc., dba Wayne Concrete, was the successful bidder by the result of a coin toss.

Upon motion by Mr. Lewis and second by Mr. Cashman, Council members voted unanimously to award the 2013 contract for an estimated 100 cubic yards of Class AA concrete to Little Lisa, Inc. (dba Wayne Concrete) at a price of \$99 per cubic yard.

COLUMBIA GAS RIGHT-OF-WAY EASEMENT: MIDTOWN PARKING LOT

Mr. Holtz stated that Columbia Gas plans to install a 4-inch plastic gas line through the Midtown Parking Lot to serve the buildings that face Liberty Street. Columbia Gas has requested that the City grant a right-of-way through the parking lot to perform this work.

Mr. Holtz noted that he, the Police Chief, City Engineer, and representatives from Columbia Gas met on-site to review the project and answer any questions either party might have. City staff reviewed the proposed easement agreement and approves of the language in the agreement.

Don Baird, representing Columbia Gas, stated that the project is anticipated to take two weeks with crews working from 7:00 AM to 7:00 PM Monday through Friday. He further stated that it is anticipated that one travel lane will be kept open at all times with any pavement areas that have been cut and not actively under construction being covered with steel plates. It was noted that this project was necessitated by the Columbia Gas project to remove gas meters from the basements of buildings abutting the Midtown Parking Lot.

Mr. Cashman made the motion to approve the Columbia Gas Easement Right-of-Way in the Midtown Parking Lot subject to review and approval by the City Solicitor and the City's insurance carrier. The motion was seconded by Mr. Lewis and carried unanimously.

MIDTOWN PARKING LOT PAVING

Mr. Holtz stated that the surface of the Midtown Parking Lot is in a deteriorated condition and noted that there have been many discussions regarding its repair. The estimated cost of milling and paving with a 3-inch overlay is \$190,000.

As Council approved Columbia Gas' request for an easement right-of-way (see above), the company will be required to pay a Street Opening Permit Fee. The purpose of Street Opening Permit Fees is to cover the cost of restoration of the project site. Mr. Holtz noted that this places the City in the unique position of being able to apply the Columbia Gas Street Opening Permit Fee to a milling and paving project for the Midtown Lot. The permit fees would cover approximately one half of the projected cost.

Mr. Holtz stated that the City typically utilizes State Liquid Fuels monies for street paving projects. The paving of parking lots is not a qualified expense under Liquid Fuels; however, Liquid Fuels monies may be used to pay for such items as road salt, electric service for traffic signals, street lighting, and wages for DPW Union employees who perform work on City streets (i.e. snowplowing, patching). By utilizing Liquid Fuels monies in this manner, the General Fund monies currently budgeted for these items could then be utilized for the balance (approximately \$100,000) of a Midtown Parking Lot Paving Project. It was noted that approval of this proposal would likely preclude any street paving this season.

Mr. Harvey made the motion to authorize the resurfacing of the Midtown Parking Lot utilizing Columbia Gas Street Opening permit proceeds and General Fund monies which will be offset by alternative uses for Liquid Fuels monies. The motion was seconded by Mr. Lewis and carried unanimously.

ORDINANCE NO. 1826: ESTABLISHING A STANDING FINANCE COMMITTEE

Mrs. Freenock stated that in 1999, there was a major change made in governmental financial reporting. One of the major changes created dual perspective reporting which requires government-wide financial statements based on the accrual method (similar to a business) and

fund financial statements (typically governmental accounting). Identifying the budgetary basis for expenditures is now crucial. There must be budgetary accounting control demonstrated throughout the year. Statements using both budgetary and Generally Accepted Accounting Principles (GAAP) basis must be prepared and the differences reconciled. Full disclosure is required.

Given the above changes, the current economic condition of the City, and the fiscal responsibility that Councilpersons owe to taxpayers, it was recommended that a Standing Committee of Council be formed. Such Committee would be responsible for recommending financial policies, goals, and budgets that support the operation of the City and its strategic plan. Such Committee would also review the City's internal controls and its financial performance against goals which it will help to set. In addition, the Committee would assist in selecting a qualified independent auditor, assist in preparing for the annual audit, and work with staff and such auditors to respond to any findings in the annual audits.

Mr. Harvey made the motion to approve the ordinance establishing a Standing Finance Committee. The motion was seconded by Dr. Ferguson and carried unanimously.

Mr. Harvey made the motion to appoint Council members Maurice Cashman, Joseph Sprentz, and Dr. Howard Ferguson to the Standing Finance Committee. The motion was seconded by Mr. Lewis and carried unanimously.

ACCEPTANCE OF PROPERTY COMMITTEE REPORT AND AUTHORIZATIONS

Mrs. Freenock stated that the Property Committee met on March 26, 2013 and identified matters for which they request Council's authorization. She further stated that the Committee has completed its review of all City-owned properties and those that can be offered for sale have either been approved for sale by Council or will be presented for consideration within the coming months. Thereafter, the only remaining task for the Committee will be to open responsive bids/proposals and to make a recommendation(s) to Council.

Mr. Lewis made the motion to accept the Property Committee Report and to approve the items enumerated by Mrs. Freenock and stated below.

1. Research the Clemons Park deed to authenticate reputed covenants as the deed copy in the City's possession does not contain such language.
2. Authorize the City Solicitor to review the vacation process to determine if the Water Street lot (located at the terminus of Fourth Avenue) should/may be vacated. Concurrently, Mike Holtz will contact Columbia Gas to determine if there is interest in purchasing this property as Columbia maintains conveyance facilities on this property.
3. Authorize Mike Holtz to obtain an appraisal from a certified appraiser for the Malvina Street lot and, thereafter, to advertise for the sale of the property with the City to reserve the right to reject any and all bids. This property is a remainder from the subdivision for the Lincoln Woods development.
4. Authorize Mike Holtz to contact Darryl Pierce regarding possible oil/gas drilling on the Walnut Street property. Mr. Pierce previously advised the City regarding drilling projects located at the Sewage Treatment Plant and DPW Garage properties. This property is a remainder from PennDOT's condemnation of City-owned property for construction of Route 6.

Authorize City staff to concurrently contact Lifestyles to determine if the organization has interest in leasing the property from the City for \$1 per year. This organization is located at the adjoining property which is commonly referred to as "the old Papalia house" and has been a good steward of that property for several years. It is not

feasible to offer this property for sale as DPW requires access to it for river access.

5. Doug Sceiford is to review the Washington Park plateau for development.
6. Direct the City Solicitor to research the annexation process regarding the Glade Township property (adjacent to upper Mulberry Park). If annexed, the City Zoning Ordinance would govern future use of the property and, thereby, offer some degree of protection to adjacent properties and to those located downhill. Following annexation, the property could then be offered for sale.
7. Authorize City staff to contact Darryl Pierce regarding the possibility of drilling on the east side of the Parking Garage.

The motion was seconded by Mr. Zavinski and carried with six votes in the affirmative and one abstention by Mr. Harvey who cited his work in the oil and gas industry as a possible conflict.

OPERATIONS COMMITTEE ESTABLISHED

Mrs. Freenock stated that over the past several years, the City staff has implemented various cost-saving measures including employee reductions, postponement of major purchases and repairs, and revamping departmental operations. These efforts are ongoing and specific input from Council representatives is requested. Therefore, she recommended that a committee of Council be formed to review the operations of each department and to assist each department in setting viable goals for the next 12 to 18 months. She further stated that as Council is the policy-making body for the City of Warren, assistance in setting such goals and objectives would provide guidance in regard to the services and programs that Council deems to be priorities. All recommended goals and objectives would be brought before Council for discussion and approval.

In response to Mr. Sprentz' question regarding a citizen appointment to the proposed committee, Ms. Stapleford suggested that an appropriate alternative would be to conduct a meeting for the purpose of receiving public comment.

Mr. Lewis made the motion to establish an Operations Committee and to appoint Councilmen Sam Harvey, John Lewis, and Maurice Cashman as members. The motion was seconded by Mr. Cashman and carried unanimously.

PROPOSED RESOLUTIONS: COUNCIL ORDER OF BUSINESS AND PUBLIC PARTICIPATION AT COUNCIL MEETINGS

Mrs. Freenock stated that Resolution No. 1882 of January 9, 1978 established the order of business for Council meetings and that much has evolved in the conduct of Council business since that time. Therefore, it was recommended that a new order of business be formalized.

She further stated that while the public's attendance and participation in Council meetings is welcome, addresses which seek to bring forth new business often leave Council in the position of requiring additional information and/or appropriate input from City staff. Therefore, it is requested that Council consider adoption of a proposed resolution which would establish procedures for public participation at meetings of City Council. By requiring that requests for inclusion on the agenda be submitted one week prior to the Council meeting date, City staff would have an opportunity to conduct any necessary research regarding the topic of the request and to provide appropriate background information for inclusion in the Council packet.

The public would continue to have an opportunity to address Council regarding non-agenda items; however, it would be without expectation of Council action at the meeting in session.

Mr. Lewis and Mr. Cashman voiced their support of Mayor Phillips' manner of chairing Council meetings and indicated that they do not believe additional policies are necessary. Mayor Phillips noted that he believes it would be appropriate to give Staff and Council the opportunity to have information in advance so that informed decisions may be made at the meeting at which a matter is brought forth.

Upon Mayor Phillips call for a motion, none was made.

BEATY PARK IMPROVEMENT PROJECT – REJECTION OF ALL BIDS

Mr. Sceiford stated that the City advertised and received bids for reconstruction and improvements to the Beaty Park tennis and basketball courts. Bids opened on March 6, 2013 were higher than provided for in the DCNR approved Project budget of \$155,000.

After review of the bids, it was Staff's recommendation that Council reject all bids. The Project would then be re-bid with variable scopes of work being included as multiple alternates. It is anticipated that the City would then be in the best possible position to select a scope of work that is compatible with the Project budget.

Following considerable discussion, Mr. Lewis made the motion to reject all bids received on March 6, 2013 for the Beaty Park Improvement Project and to authorize City Staff to rebid the project with variable scopes of work being included as multiple alternates. The motion was seconded by Mr. Cashman and carried unanimously.

APPOINTMENTS TO WARREN COUNTY SOLID WASTE MANAGEMENT COMMITTEE

Mrs. Freenock noted that every ten years the Warren County Solid Waste Management Committee is tasked with a full review of the County Waste Management Plan. She requested that Michael Holtz and David Hildebrand be appointed as the City's representatives to the Committee.

Dr. Ferguson made the motion to appoint Michael Holtz and David Hildebrand as City representatives to the Warren County Solid Waste Management Committee. The motion was seconded by Mr. Lewis and carried unanimously.

WARREN HOSPITALITY ASSOCIATES – AUTHORIZATION TO PURSUE LOAN PAYMENTS

Ms. Stapleford stated that in 2009 the City loaned \$50,000 to Warren Hospitality Associates and indicated that, to date, payments have not commenced. Therefore, Ms. Stapleford has issued two demand letters in regard to payments. Ms. Stapleford requested Council's direction and authorization regarding further efforts to collect payments from Warren Hospitality Associates.

Mr. Hildebrand indicated that the City was the recipient of a \$50,000 grant from the State for economic development and the funds were loaned to Warren Hospitality Associates. He further stated that payments due from Warren Hospitality Associates are to be used for further economic development. The grant contract with the State has been closed out.

Mr. Lewis made the motion to pursue collection of payments due from Warren Hospitality Associates on the \$50,000.00 loan made in 2009. Mr. Zavinski seconded the motion which carried unanimously.

DEPARTMENT REPORTS – MARCH, 2013

The following reports were presented to Council:

Police Department – Presented by Chief Zydonik

Fire Department – Presented by Chief Pascuzzi

Department of Public Works – Presented by Michael Holtz

Building Codes Department – Presented by Alan Gustafson

APPROVED MINUTES OF BOARDS AND COMMISSIONS

Council acknowledged receipt of the following approved minutes:

Parks and Recreation Commission	– February 5, 2013	Regular Meeting
	– March 5, 2013	Regular Meeting
Special Events Committee	–	Approved Events

ADJOURNMENT

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