

**WARREN CITY COUNCIL
REGULAR MEETING
MAY 20, 2013 – 7:30 PM**

OPENING OF MEETING

Mayor Mark A. Phillips presided over the May 20, 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 this meeting for discussion of a personnel matter, litigation concerning the Convention Center Authority, litigation concerning a \$50,000 loan payment that is due to the City, and litigation concerning a zoning issue with regard to an oil well located within the City.

ROLL CALL

Members present and responding to roll call were: Mayor Phillips, Mr. Cashman, Dr. Ferguson, Mr. Harvey (via phone), Mr. Lewis, Mr. Sprentz, Mr. Zavinski, and Junior Council Member Cody McGraw. Ms. Nau, Mr. Gustafson, Mr. Holtz, Mrs. Leary, Chief Pascuzzi, Mrs. Risinger, Mr. Sceiford, and Ms. Stapleford of City staff were also in attendance.

RECOGNITION OF VISITORS

Mayor Phillips welcomed all visitors. Present were:

Special guests from St. Joseph School – Students singing “We Love Warren”

- | | |
|------------------|--------------------|
| • Noel Alexander | • Kai Ashbaugh |
| • Emily Grosch | • Sloane Horner |
| • Lexi Paris | • Jaxon Sobina |
| • Lily Walker | • Maddie Walker |
| • Sophie Walker | • Parker Shene |
| • Elaine Gatto | • Sara Sokolski |
| • Ava Peterson | • Grace Hobbs |
| • Iris Kiehl | • Elizabeth Phelps |
| • Sam Harvey | |

In attendance in support of St. Joseph School Students:

- | | |
|------------------------------------|---------------------------|
| • Alicia Gatto | • Susanne Harrington |
| • Gracie Gatto | • Suzy Walker |
| • Edward Kavanaugh | • Shawn Walker |
| • Melissa Shene | • Geanna Phelps |
| • Marilyn Shene | • Damian Horner |
| • Mark Shene | • Danielle Loranger |
| • Dan Ristau: Regarding GRO-Warren | • Rachel Harvey |
| • Jennifer Grosch | • Ian Ashbaugh |
| • Gail Grosch | • Rebecca Yaeger |
| • Jim Alexander | • David Sobina |
| • Taylor Alexander | • Dick Kiehl |
| • Isabella Alexander | • Michael Kiehl |
| • Trish Paris | • Sandy Kiehl |
| • Chris Hobbs | • Judy Danielson: Faculty |
-
- Lenny Gray: Observing
 - Bill Thompson: Fourth of July Committee
 - Josh Cotton: Times Observer reporter

Students of St. Joseph School performed “We Love Warren,” an original song written as part of the School’s Founders’ Day project. The students received a round of applause and appreciative

comments from Council members. The students and their family members left the meeting at this point.

APPROVAL OF MINUTES

Upon motion by Mr. Lewis and second by Dr. Ferguson, the minutes of the April 15, 2013 Regular Meeting were unanimously approved.

CORRESPONDENCE

Council members acknowledged receipt of the following correspondence:

- From Mark & Karen Davis: Regarding Washington Park
- From Allegheny Center for the Arts: Thank you to Explorers Post 312
- To Warren Alliance Church – Recognition of Service Project
It was noted that approximately 50 volunteers participated in a cleanup project at Crescent Park.
- Sampling of Fire Services Survey Responses
Chief Pascuzzi noted that each month surveys are sent to 20% of persons receiving ambulance services and random responses are periodically provided to the City Manager. Mayor Phillips commended the Department for the positive comments received.

ORDINANCE NO. 1827: FIREFIGHTERS PENSION PLAN – TRUSTEES INDEMNIFICATION PROVISION

Mrs. Risinger noted that, at the March 18 regular meeting, Council enacted Resolution No. 2915 which adopted a Firefighters Pension Plan Investment Policy Statement and appointed trustees to facilitate the establishment and administration of the Investment Account. The resolution calls for the appointment of the City Manager, City Finance Officer, and the Council member serving on the Firefighters Pension Plan Committee as trustees of the Account.

In support of the resolution and to provide appropriate liability protection for the trustees of the Account, legal counsel for the City's pension plans prepared an ordinance amending the Firefighters Pension Plan and indemnifying the trustees.

Upon motion by Mr. Lewis and second by Mr. Zavinski, Council members voted unanimously to adopt the ordinance providing for indemnification of the Firefighters Pension Plan Trustees.

ORDINANCE NO. 1828: AMENDING THE PROPERTY MAINTENANCE CODE

Mr. Gustafson stated that for many years the City of Warren has enforced some form of property maintenance code. Currently, the 2003 edition of the International Property Maintenance Code (IPMC), as adopted by Ordinance No. 1735, is being enforced. Recently, the District Magistrate deemed it necessary to add additional language regarding the imposition of penalties and fines for violations of the Property Maintenance Code when a citation is issued by the Code Official.

Mr. Gustafson explained that the International Property Maintenance Code is developed and published by the International Code Council (ICC) and is routinely updated on a triennial basis, with the most recent edition having been established in 2012. The predominant changes in the 2012 edition provide greater clarity to existing standards and, therefore, aid in enforcement. In order to remain current with the most recent edition of the model code and to provide for penalties for violations, it was recommended that Council approve the proposed ordinance which would repeal Ordinance No. 1735 and adopt the 2012 edition of the ICC Property Maintenance Code as the Property Maintenance Code of the City of Warren.

There was considerable discussion regarding the proposed ordinance. Mr. Harvey expressed concern regarding the maximum fines that may be assessed by the District Magistrate. Ms. Stapleford, Solicitor, stated that Pennsylvania law provides that violations are a summary offense and, therefore, are subject to fines of up to \$1000. She further stated that this provides the District Justice with latitude in setting fines for successive offenses.

Dr. Ferguson made the motion to adopt only *Section 4, Penalty and Fines* of the proposed ordinance. The motion was seconded by Mr. Lewis.

Mr. Harvey made the motion to amend Dr. Ferguson's motion by reducing the maximum penalty to \$100 per day. There was no second to the motion.

Dr. Ferguson's motion then carried with six votes in the affirmative and one nay vote cast by Mr. Harvey.

STREETSCAPE PLANTINGS: PROPOSED PROTECTIVE FENCING FOR JULY 4 PARADE

Mr. Holtz stated that, in an effort to protect the Streetscape Project plantings from being trampled by parade onlookers, the City previously installed orange snow fence around the planting beds prior to the Fourth of July parade. The initial plantings were done in 2011 at a cost of \$42,000. Annual maintenance costs for the plantings amount to a few thousand dollars for the trimming of roses and grasses, weeding, fertilizer, and mulch.

At the July 16, 2012 Council meeting, some Council members voiced their concern that the protective fencing detracts from the appearance of the downtown area and there was discussion as to whether this practice should continue. At that time, City Staff was requested to bring the question forward in advance of the 2013 parade.

Mr. Holtz indicated that, should Council direct that protective fencing be put in place annually, DPW would install it on the workday prior to the parade and remove it on the next workday following the parade.

Bill Thompson, representing the Fourth of July Committee, stated that the Committee carries insurance for the event but is "all for the fence."

Dan Ristau stated that he believes the fencing in prior years was "hideous" and requires City expense for materials and labor. He requested that Council find another solution and stated that he would monitor the area and would enlist volunteers to aid in protecting the plantings.

Mr. Cashman made the motion to install protective fencing around Streetscape plantings for the Fourth of July Parade. The motion was seconded by Mr. Zavinski. The motion failed with three votes in the affirmative and four nay votes cast by Mr. Lewis, Mr. Harvey, Mr. Sprentz, and Mayor Phillips.

Following the vote there was considerable discussion regarding the manner in which volunteers could monitor the area and concerns regarding the lack of enforcement power for volunteers. Mr. Cashman asked that this matter be placed on the June 17 Council meeting agenda for further review and discussion.

In addressing Council later in the meeting, Mr. Ristau stated that he and volunteers will not police the area but will ask those endangering the plantings not to do so.

DEPARTMENT REPORTS – May, 2012

The following reports were presented to Council:

- Police Department – Presented for Council’s review
- 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:

Planning Commission	– February 20, 2013	Regular Meeting
Street Landscape Committee	– March 26, 2013	Regular Meeting
Special Events Committee		Event Status Report

DAN RISTAU: ADDRESS TO COUNCIL REGARDING GRO-WARREN LITIGATION

Mr. Ristau stated that he wished to advise Ms. Stapleford that the Warren Business District Coalition (WBDC) has not been properly served regarding litigation. He stated that the papers had been “intercepted” and that he has advised Judge Maureen Skerda and Attorney Art Martinucci of such.

Mr. Ristau referenced the Times Observer news article regarding GRO-Warren’s response to the court filing and stated that he was troubled by statements concerning grant Administration Funds and whether such had been the source of compensation to Christine Cheronis (former GRO-Warren Executive Director).

ADJOURNMENT

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