

**WARREN CITY COUNCIL
REGULAR MEETING
JUNE 17, 2013 – 7:30 PM**

OPENING OF MEETING

Mayor Mark A. Phillips presided over the June 17, 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.

ROLL CALL

Members present and responding to roll call were: Mayor Mark Phillips, Maurice Cashman, Dr. Howard Ferguson, Sam Harvey, John Lewis, Joseph Sprentz, and James A. Zavinski, Sr. Mrs. Freenock, Mr. Gustafson, Mr. Hildebrand, Mr. Holtz, Mrs. Leary, Ms. Stapleford, and Chief Zydonik of City staff were also in attendance.

RECOGNITION OF VISITORS

Mayor Phillips welcomed all visitors. Present were:

- Lenny Gray: Observing
- Gregory Fraser: Observing
- Bill Thompson: Fourth of July Committee
- Wally Post: Fourth of July Committee
- John Schwone: Fourth of July Committee
- Joan Swartz: Fourth of July Committee
- Dan Ristau: Address to Council
- Barb Phillips: Request regarding Karen Bonnell Ballfield
- Pauline Steinmeyer: Observing
- Jacob Perryman: Times Observer reporter

APPROVAL OF MINUTES

Upon motion by Mr. Lewis and second by Mr. Zavinski, the minutes of the May 20, 2013 Regular Meeting were unanimously approved.

CORRESPONDENCE

Council members acknowledged receipt of the following correspondence:

- PA Department of Transportation: Stating that the results of a traffic study conducted at the intersection of Pennsylvania Avenue and Market Street indicate that the criteria for modification to the existing eastbound (Pennsylvania Avenue) left turn phase or additional left turn phases were not satisfied.
- PA Department of Transportation: Stating that the results of a traffic study conducted at the intersection of Pennsylvania Avenue and Liberty Street indicate that the warrants for installation of a traffic signal at this intersection do not exist.
- To Pleasant Township Supervisors: Thank you letter regarding the Township's contribution in the amount of \$1000 to be evenly split between the Municipal Pool and Summer Playground Programs.
- To Caleb Hultman: Thank you letter regarding his Eagle Scout project which included the building and installation of two tree-surround benches at Crescent Park.

PROPOSAL TO REFURBISH KAREN BONNELL FIELD SIGN AND REPLACE PLANTINGS

Mrs. Freenock reported that the Parks and Recreation Commission received a proposal from Barb Phillips to refurbish the sign and replace the current plantings at Karen Bonnell Field (located at Crescent Park). The work is to include:

- Painting the sign with colors as close to the original as possible
- Removing the current evergreens and replacing them with smaller evergreens (arborvitae)
- Edging the planting bed and replacing mulch

The project would be completed by Ms. Phillips, Alice Bonnell, and others and would be at no expense to the City. The Parks and Recreation Commission reviewed this request and recommended that it be approved by Council.

Mr. Cashman made the motion to approve the proposal to refurbish the Karen Bonnell Field sign and replace the existing plantings. The motion was seconded by Mr. Harvey and carried unanimously.

ENTERTAINMENT RIDE BOND: FOURTH OF JULY COMMITTEE

Mrs. Freenock stated that the Fourth of July Committee has indicated its intent to provide entertainment rides at Betts Park as part of the Fourth of July festivities. Ordinance No. 1028 stipulates that the Borough (now City) Council grant permission for such rides and also requires that a cash bond in the amount of \$1000 be paid. It was further stated that the bond has been received and deposited. Following the event the bond will be returned to the Committee less the amount of any property damages that may have occurred.

In response to Council's questions, Bill Thompson, representing the Fourth of July Committee, stated that there will be six to eight rides located in the vicinity of the Bocce Courts and Pavilion and that the ride vendor has been advised that there are to be no stakes placed in the blacktop.

Upon motion by Mr. Harvey and second by Mr. Lewis, Council members voted unanimously to grant permission for entertainment rides to be included in the Fourth of July celebration at Betts Park.

STREETSCAPE PLANTINGS: PARADE CORDONING

Mr. Holtz noted that at the May 20 meeting of Council, a motion to install orange protective fencing around the Streetscape plantings for the Fourth of July Parade was defeated. Following the vote there was considerable discussion as to the best manner of protecting the City's investment in the plantings and at the same time allowing the public to enjoy the beauty of the plantings. City staff was asked to give the matter further consideration and bring it forth at this meeting.

As a result of staff discussions, it was determined that wood posts (painted white) spaced around the perimeter of the plantings with patriotic pennants strung between the posts would be aesthetically pleasing and also serve as a reminder to parade onlookers not to tread on the plantings.

Upon motion by Mr. Lewis and second by Mr. Zavinski, Council members voted unanimously to approve the proposal for cordoning the Streetscape planting areas for the Fourth of July parade.

BID AWARD: BEATY PARK IMPROVEMENT PROJECT, PHASE III

Mr. Holtz stated that on May 29, 2013, the City received bids for the Beaty Park Improvement Project, Phase III. Council was provided with a copy of the tabulation of the bids received for this project. The work on this project includes reconstruction of the basketball and tennis courts together with site improvements which include new fencing and extension of the walkway. Funding for this project is derived from a DCNR grant in the amount of \$77,000, a Warren Foundation pledge of \$25,000, and \$52,000 in City General Fund monies.

Kingsview Enterprises, Inc., of Lakewood, New York, submitted the low bid for this contract.

Mr. Holtz indicated that the City has previously worked with this firm and project references indicate satisfactory work experience on similar projects. Specialty works associated with this project such as fencing and color topping on the tennis courts will be sub-contracted to experienced contractors.

The bid received from Kingsview for all work on the Beaty Park Improvement Project, Phase III was for \$188,455.00. The current approved funding for this project is \$154,000, leaving a shortfall of \$34,455. Mr. Holtz indicated that requests have been made to DCNR and private sponsors to increase their funding to fully fund this project and it is anticipated that these requests will be granted. In the event that they are not, bid alternates are available to reduce the project scope to allow a funding level that can be fully funded by DCNR and private sponsors. Mr. Holtz stated that the contract would not be finally awarded until the funding level is committed and will not impact the General Fund.

Mr. Lewis made the motion to preliminarily award the Beaty Park Improvement Project bid to Kingsview Paving in the amount of \$188,455.00 contingent upon the receipt of full funding for the project. The motion was seconded by Mr. Zavinski and carried unanimously.

TEMPORARY CONSTRUCTION EASEMENT: BEATY PARK IMPROVEMENT PROJECT

Mr. Holtz noted the City's plan to rehabilitate the Beaty Park Tennis and Basketball Courts and stated that the City has requested that the Warren County School District allow access to the construction area via its adjacent property. The Warren County School District approved and signed an agreement which was provided for Council's review.

Upon motion by Dr. Ferguson and second by Mr. Harvey, Council members voted unanimously to approve the Temporary Construction Easement Agreement with the Warren County School District.

FFY 2010 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING REVISION

Mr. Hildebrand stated that the Pennsylvania Department of Community and Economic Development Small Communities Program (SCP) funding for FFY 2010 included Street and Road Improvement Activity Funds which were earmarked for the Oak Street Improvement Project. Upon completion of the Oak Street Project, a balance of \$31,232.06 remains in the FFY 2010 Street and Road Improvement Activity. Therefore, City Staff proposed that the remaining balance be allocated to the ongoing ADA Handicap Ramp Improvement Project.

Mr. Lewis made the motion to approve submission of a Budget Revision Application for FFY 2010 funds to allocate the remaining \$32,232.06 in the Street and Road Improvement Activity to the ADA Handicap Ramps Improvement Project. The motion was seconded by Mr. Cashman and carried unanimously.

RESOLUTION NO. 2918: APPLICATION FOR COUNTY LIQUID FUELS ALLOCATION

Mr. Holtz stated that each year it is necessary for Council, by resolution, to apply for the County Liquid Fuels Tax Allocation. The City's 2013 allocation has been set at \$14,646 which reflects a decrease from the 2012 allocation of \$15,377.

Mr. Cashman made the motion to approve the resolution authorizing the City's application for the 2013 County Liquid Fuels Tax Allocation. The motion was seconded by Mr. Zavinski and carried unanimously.

ORDINANCE NO. 1829: NO PARKING ON A PORTION OF LUDLOW STREET

Chief Zydonik noted that there are several events held at Betts Park which draw large crowds and, therefore, vehicles sometimes exceed the parking capacity of the park. In such instances, individuals often park along Ludlow Street which results in restricted traffic movement to and from

the park which is a safety concern for those attending events and impairs the ability of emergency services vehicles to access the area. In such instances, it is nearly impossible to locate the owner(s) of vehicles blocking the entrance. In addition, the parking of vehicles along Ludlow Street severely impairs the sight distance of motorists entering and exiting the Route 6 ramps. The proposed "No Parking" areas were on both the east and west sides of Ludlow Street. During discussion, Council members raised concerns as to where cars might park in the absence of parking on Ludlow Street.

Mr. Harvey made the motion to establish "No Parking" on the west side of Ludlow Street between the Route 6 westbound entrance ramp and the southerly terminus of Ludlow Street. The motion was seconded by Mr. Sprentz and carried unanimously.

ORDINANCES (3): LOCAL GOVERNMENT UNIT DEBT ACT FILING

Ms. Stapleford stated that in preparation for the August closing date for the PENNVEST Funding Package (as approved at the Special Meeting of Council on February 11, 2013), it is necessary to file certain documents with the Department of Community and Economic Development (DCED). Among these documents are ordinances which will memorialize indebtedness for items which previously received approval by City Council.

Ordinance No. 1830: Street Sweeper Financing

Upon motion by Mr. Cashman and second by Mr. Lewis, Council members voted unanimously to approve the ordinance pertaining to financing of a Freightliner VT650 Series Vacuum Street Sweeper.

Ordinance No. 1831: Repayment to the City of Warren Redevelopment Assistance Fund

Upon motion by Mr. Cashman and second by Mr. Lewis, Council members voted unanimously to approve the ordinance pertaining to the repayment of \$500,000 into the City of Warren Redevelopment Assistance Fund.

Ordinance No. 1832: PENNVEST Funding

Upon motion by Mr. Cashman and second by Mr. Lewis, Council members voted unanimously to approve the ordinance pertaining to the PENNVEST Funding for the Wastewater Treatment Plant Construction/Improvement Project.

AGREEMENT: BUS TRANSPORTATION FOR DARIEN LAKE PLAYGROUND FIELD TRIP

Mrs. Freenock stated that plans are in place for a Summer Playground Program field trip to Darien Lake on Thursday, June 27. The fee to participate in this trip is based on the actual costs (i.e. bus, admission, etc.) and, therefore, no additional costs are incurred by the City.

Horizon Club Tours, the selected company for tour buses, requires acceptance of a Letter of Agreement regarding the itinerary and charges. By authorizing the signing of the Letter of Agreement, Council would insure that the applicable City insurance policies will be in force regarding the bus transportation.

Mayor Phillips suggested that a trip cancellation policy be considered for future bus trips.

Mr. Zavinski made the motion to approve the agreement with Horizon Club Tours for the provision of bus transportation to Darien Lake. Upon second by Mr. Cashman the motion carried with six votes in the affirmative and one nay vote cast by Mr. Lewis.

DEPARTMENT REPORTS – May, 2013

The following reports were presented to Council:

- Police Department – Presented by Chief Zydonik
- Fire Department – Presented for Council's review
- Department of Public Works – Presented by Michael Holtz
- Building Codes Department – Presented by Alan Gustafson

During the Public Works report Mr. Holtz indicated that Columbia Gas will not complete its project involving the Midtown Parking Lot in 2013 and, therefore, the City's paving of the parking lot will be delayed (see 4/15/2013 Council minutes). Mr. Holtz indicated that the Department is currently reviewing alternate patching/paving projects that may be completed in 2013.

DAN RISTAU ADDRESS TO COUNCIL

Mr. Ristau addressed Council and voiced his concerns regarding the consumption of alcohol by Fourth of July Parade onlookers and suggested that Council consider adoption of an "open container" ordinance.

Wally Post, member of the Fourth of July Committee, stated that the organization has worked with owners of establishments that serve alcohol to limit the instances of alcohol use along the parade route. In addition, the Committee has made arrangements to establish family and handicap parking/viewing areas in parking lots adjacent to the parade route.

Ms. Stapleford indicated that an open container ordinance could be considered; however, there is not sufficient time for enactment in advance of the 2013 Fourth of July events.

MISCELLANEOUS

Mr. Zavinski indicated that he and Mr. Lewis wish to proceed with the cutting of brush on a portion of the Conewango Avenue bank which is on Warren County School District property. This project would complement an adjacent bank clearing project undertaken by City crews in Beaty Park in recent years. It was noted that the City is working to develop an appropriate agreement with the School District.

Mr. Harvey questioned whether any Veterans' organizations are in arrears on fees for special events and whether any organizations have communicated with the City. Mrs. Freenock responded that there are currently no fees in arrears and an individual has offered to "pay it forward" by paying the special event fees for future events sponsored by Veterans organizations. She further noted that in light of recent discontent over the charging of special event fees, she has sent correspondence inviting veterans to meet with her but, to date, has not received a response. She also stated that the Third Class City Code precludes the City from making special allowances for any one organization.

APPROVED MINUTES OF BOARDS AND COMMISSIONS

Council acknowledged receipt of the following approved minutes:

Parks and Recreation Commission	– April 2, 2013	Regular Meeting
Street Landscape Committee	– April 23, 2013	Regular Meeting
Special Events Committee		Event Status Report

ADJOURNMENT

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