

**WARREN CITY COUNCIL
PUBLIC HEARING AND REGULAR MEETING
AUGUST 19, 2013 – 7:30 PM**

PUBLIC HEARING

Mayor Phillips opened the Public Hearing and stated that it was for the purpose of receiving public comment regarding a proposed Department of Community and Economic Development (DCED) funding application under the Small Communities Program (SCP). Mr. Hildebrand stated that City Staff proposed the submission of an application to the Pennsylvania Department of Community and Economic Development under the Small Communities Program (SCP) for approximately \$300,000 in FFY 2013 Entitlement Funds. The proposed use of the funding is for street and road improvements on East Street between Sixth and Seventh Avenues. He further stated that these funds are available for community development activities which will benefit low- and moderate-income (LMI) persons, address slums or conditions of blight, or meet a community development need of particular urgency. At least 70 percent of such funds must be spent on activities benefiting low- and moderate-income persons.

Also proposed is utilization of funding for the Public/Community Facilities (CDBG) Activity for the elimination of slum and blight on an area basis within the designated downtown redevelopment area (Streetscape Project loan repayment).

In accordance with program guidelines, it is required that two public hearings be held prior to Council's consideration of the application submission. The requisite public hearings were held in the Municipal Building Council Chambers on Tuesday, February 26, 2013, at 9:00 AM and on Monday, August 19, 2013, at 7:30 PM.

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

OPENING OF MEETING

Mayor Mark A. Phillips presided over the August 19, 2013 regular meeting of Warren City Council in Council Chambers of the Municipal Building and opened the meeting with the Pledge of Allegiance. It was noted that Council met in Executive Session on August 5 regarding litigation pertaining to funds owed to the City and real property matters and also immediately prior to this meeting regarding property matters and matters of litigation.

ROLL CALL

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

APPROVAL OF MINUTES

Upon motion by Mr. Zavinski and second by Mr. Lewis, the minutes of the July 15, 2013 Regular Meeting were unanimously approved by Council members present.

Upon motion by Mr. Lewis and second by Mr. Harvey, the minutes of the August 5, 2013 Work Session were unanimously approved by Council members present.

RECOGNITION OF VISITORS

Mayor Phillips welcomed all visitors. Present were:

- Heidi Ekey: Community Mobilization Initiative – Outdoor Fitness Park
- Barb Babcock: Community Mobilization Initiative – Outdoor Fitness Park
- Julie Greenman: Community Mobilization Initiative – Outdoor Fitness Park
- Mary Hagan-Double: Community Mobilization Initiative – Outdoor Fitness Park
- John Curtiss, Norwell Sales Representative: Outdoor Fitness Park
- Tim Madeley, Norwell CEO: Outdoor Fitness Park
- Lincoln Sokolski, Whirley DrinkWorks!: Outdoor Fitness Park
- Jackie Angove, City Parks & Recreation Commission Member: Outdoor Fitness Park
- Thad Turner, Warren County YMCA: Outdoor Fitness Park
- Amanda Kosterman, City Employee: Observing
- Lenny Gray, City Employee: Observing
- Pauline Steinmeyer: Observing
- Lulie Labesky, 106 Water Street: Observing
- Ken Darr, 120 Orchard Street: Concern regarding skateboard use
- Dan Ristau: Suggested Open Container Law
- Valerie Stilwell, 124 Beaty Street: Structure at 117 Beaty Street
- Greg Stilwell, 124 Beaty Street: Structure at 117 Beaty Street
- Meleah Stilwell, 124 Beaty Street: Structure at 117 Beaty Street
- Gregory Fraser, 17 Fourth Avenue: Observing
- Josh Cotton, Times Observer Reporter

CORRESPONDENCE

There was no correspondence to come before Council.

JETS BUILDING MURAL – LEADERSHIP WARREN COUNTY GROUP PROJECT

Mrs. Freenock noted that in January of this year, Harvey Stone, representing the Rotary Club, and members of the Leadership Warren Class addressed Council regarding a proposed project involving property located on the northwest corner of the intersection of Pennsylvania Avenue and Market Street. A portion of that project involved the painting of a mural depicting various facets of the community. The Leadership Warren Project Group is now ready to move forward with the mural project and has provided a rendering of the proposed design.

During discussion, Mr. Lewis requested that there be no text spanning the depiction of the four flags at Heritage Point and that the flag of the United States (Betsy Ross flag) be depicted as flying higher than other flags. Mr. Harvey expressed concern as to whether City Council bears the authority to approve artwork.

Bill Thompson, representing the Leadership Warren County Project Group, stated that the Group would address Mr. Lewis' requests. He further stated that the Group will solicit bids for the mural installation and will also solicit funds to provide for the ongoing care and maintenance of the mural.

Mr. Lewis made the motion to accept the Leadership Warren Project Group mural design for installation on the JETS building (Pennsylvania Avenue and Market Street). The motion was seconded by Dr. Ferguson and carried with five votes in the affirmative and one abstention by Mr. Harvey who cited his concern regarding the propriety of voting on the approval of a piece of artwork.

OUTDOOR FITNESS PARK – DEFREES PARK/PLAYGROUND

(See July 15, 2013 City Council Meeting Minutes)

Heidi Ekey, representing the Community Mobilization Initiative (CMI), provided Council members with an overview of a revised plan for the placement of fitness equipment at the DeFrees Park/Playground. The following were also noted by Ms. Ekey and Norwell representatives John Curtiss and Tim Madeley:

- The Lions Club will provide Braille signage for the fitness equipment.
- The Boy Scouts of America (office located adjacent to DeFrees Park/Playground) will utilize the equipment to aid scouts aged twelve and over in meeting fitness requirements.
- CMI wishes to enter into an agreement with the City of Warren regarding the Outdoor Fitness Park and confirming each party's expectations and obligations.
- CMI will facilitate the purchase and installation of the Outdoor Fitness Park and related surfaces which will then be gifted to the City.
- CMI has received a pledge of \$5000 to be utilized for maintenance not covered by the manufacturer's warranty. Training regarding routine maintenance of the equipment will be provided to City workers.
- The selected equipment is manufactured by Norwell and is constructed of stainless steel with sealed stainless bearings (50 year expected bearing life) and vulcanized rubber at all locations that come in contact with a user's hands and feet.
- The walking surfaces connecting the fitness stations and the safety zone surrounding each piece of equipment will consist of a base topped by 1.5 inches of poured-in-place rubber.
- The City of Warren will be listed as "also insured" on Norwell's \$2 million policy regarding equipment design and manufacture. If, at any time, this insurance is canceled, the City is to be notified.
- Norwell equipment is designed to comply with European Safety Standards as such standards are under development in the United States.
- Contingent on funding, installation will occur on "Make a Difference Day" (October 26, 2013).
- A free application ("app") for smartphone users will provide videos regarding the use of each piece of equipment and allow the user to calculate the number of calories burned. When the app is utilized, Norwell will collect data regarding the usage of the equipment which can then be provided to the City. It was stated that data will be collected for statistical purposes only.

Mr. Harvey made the motion to approve the Outdoor Fitness Park as presented by the Community Mobilization Initiative. The motion was seconded by Dr. Ferguson.

Mr. Lewis made the motion to amend Mr. Harvey's motion by adding the caveat that the City of Warren is to be named as "also insured" on Norwell's insurance policy. The motion was seconded by Mr. Sprentz and carried unanimously among the Council members present.

The vote on Mr. Harvey's motion, as amended, carried unanimously among the Council members present.

AUDIT OF THE 2012 BOOKS OF THE WARREN CONVENTION CENTER AUTHORITY

Mrs. Risinger noted that at the October 15, 2012 Regular Council Meeting, Council members voted to accept the resignation of all members of the Warren Convention Center Authority, thereby rendering it inactive. In so doing, Council also accepted by motion certain obligations of the Authority including the audit of the 2012 books of the Authority.

The City received a Letter of Understanding from Kersey and Associates which specified a gross fee, including expenses, not to exceed \$2,500 for the audit. Kersey and Associates provided this service for the WCCA in prior years as well and is, therefore, familiar with the operations of the Authority. As the Authority became inactive in 2012, it is anticipated that this will be the final year for which an audit will be required.

Mr. Lewis stated his concern that the cost was high for the relatively few transactions which occurred in 2012. Mr. Sprentz noted that this amount also includes the filing of required reports with the appropriate State agency(s).

Dr. Ferguson made the motion to accept the Letter of Understanding from Kersey and Associates for the audit of the 2012 books of the Warren Convention Center Authority. The motion was seconded by Mr. Sprentz and carried with five votes in the affirmative and one nay vote cast by Mr. Lewis.

NEIGHBORHOOD CONCERNS REGARDING 117 BEATY STREET

Valerie Stilwell addressed Council regarding a structure located at 117 Beaty Street which was the site of a murder/suicide. Mrs. Stilwell noted the trauma this has caused her young daughter as well as the ongoing visual reminder to all residents of the area. She stated that the structure has not been secured, is infested with vermin, and it appears that individuals have entered the structure and moved furniture, etc.

Ms. Stapleford indicated that the City has worked to address this matter; however, there are numerous legal concerns regarding the circumstances involved which must be addressed prior to the City taking action toward demolition of the property.

Mr. Lewis made the motion to direct the City Manager and Staff to determine what measures may be taken to address this matter as soon as possible and to seal the property for health concerns. The motion was seconded by Mr. Zavinski and carried with five votes in the affirmative and one nay vote cast by Dr. Ferguson. Dr. Ferguson stated that he believes that the City Manager and Staff have proceeded in a timely manner and are doing all that may be done.

CONCERNS REGARDING SIDEWALK AT THE INTERSECTION OF ORCHARD & TERRACE

Ken Darr, 120 Orchard Street, addressed Council regarding his concerns pertaining to sidewalk stairs located at the intersection of Orchard and Terrace Streets. He stated that individuals on skateboards frequently use this area and he and his wife are concerned regarding safety and potential liability should anyone be injured. Mr. Darr stated that he wishes to see the area posted as "No Skateboarding." Mayor Phillips requested that this matter be reviewed and that options be presented at the September Council meeting.

SUGGESTED OPEN CONTAINER LAW

Dan Ristau addressed Council and noted that he previously spoke to the matter of an "open container law" for the City of Warren. Mr. Ristau displayed a poster of newspaper clippings gleaned from the past thirty days' editions of the Times Observer regarding charges for Driving Under the Influence and Public Drunkenness. Mr. Ristau stated that he has contacted the Pennsylvania Liquor Control Board and that it was communicated to him that Warren has a high per capita rate of alcohol-related charges.

RESOLUTION NO. 2919: FFY 2013 CDBG FUNDING APPLICATION

Mr. Hildebrand stated that it is proposed that an application be submitted to the Pennsylvania Department of Community and Economic Development under the Small Communities Program (SCP) for approximately \$300,000 in FFY 2013 Entitlement Funds. The proposed use of the

funding is for street and road improvements to East Street between Sixth and Seventh Avenues and for funding for the Public/Community Facilities (CDBG) Activity for the elimination of slum and blight on an area basis within the designated downtown redevelopment area (Streetscape Project loan repayment).

Mr. Lewis made the motion to approve the resolution authorizing submission of an application to the Small Communities Program for approximately \$300,000 in FFY 2013 Entitlement Funds. The motion was seconded by Mr. Harvey and carried unanimously among the Council members present.

AMENDMENT TO DCNR GRANT CONTRACT: BEATY PARK IMPROVEMENT PROJECT, PHASE 3

Mr. Hildebrand reported that the Pennsylvania Department of Conservation and Natural Resources (DCNR) approved an amendment to the Beaty Park – Phase 3 Contract Agreement. The agreement funding has been increased from \$77,000 to \$100,000. The corresponding additional city match amount has been pledged by local funding sources.

INTERIM FINANCING: WASTEWATER TREATMENT & CONVEYANCE FACILITIES PROJECT

Mr. Holtz noted that at a special meeting held on February 11, 2013, Council approved the City's acceptance of a PennVest funding package for the Wastewater Treatment and Conveyance Facilities Project. Prior to closing with PennVest, it is required that the City obtain short-term interim financing. This bridge financing is to be in the form of a revolving line of credit which will allow the City to make timely payments to contractors. As payments are made, reimbursement requests will be submitted to PennVest and, upon receipt, reimbursements will then be paid against the loan. In accord with PennVest requirements, the term of the interim financing is not to exceed five years and will be repaid in full at the conclusion of the project.

The City solicited proposals for a \$2.5 million revolving line of credit loan. Three proposals were received and are outlined as follows:

Erie Bank	2.639% *	\$500 loan origination and closing fee
Northwest Savings Bank	3.0 %	\$2000 loan origination and closing fee
First Niagara Bank	3.55%	\$1000 loan origination and closing fee

*Rate based upon calculation using Federal Home Loan Bank of Pittsburgh's 5-year rate. Total interest not to exceed 3.0% without further Council consideration.

Mr. Holtz noted that the PennVest Program permits costs incurred due to interest on the short-term interim financing loan, as well as interest associated with the PennVest loan, to be included as reimbursable project costs.

Upon motion by Mr. Lewis and second by Mr. Zavinski, the Council members present voted unanimously to accept the ErieBank offer for short-term interim financing relative to the PennVest funding package.

RESOLUTION NO. 2920: POLICE PENSION PLAN INVESTMENT POLICY STATEMENT **RESOLUTION NO. 2921: EMPLOYEE NON-UNIFORM PENSION PLAN INVESTMENT POLICY**

Mrs. Risinger stated that the Police Pension Committee and the Employee Pension Committee jointly enlisted the firm of Rhoades & Owen, City's pension counsel, to perform a pension fiduciary analysis to evaluate the investment performance and expenses of the trustee for both plans. The firm also reviewed the existing Investment Policy Statements and evaluated conformance issues and recommended enhancements. As a result of these analyses, legal counsel drafted and forwarded revised Investment Policy Statements for each of the stated pension plans.

The pension committees reviewed their respective statements with representatives of Northwest Investment and Trust Services and each unanimously agreed to forward their respective Investment Policy Statement to Council for adoption.

Resolution No. 2920. Mr. Lewis made the motion to adopt the resolution adopting an Investment Policy Statement for the Police Pension Plan. The motion was seconded by Mr. Harvey and carried unanimously among the Council members present.

Resolution No. 2921. Mr. Lewis made the motion to adopt the resolution adopting an Investment Policy Statement for the Employee Non-Uniform Pension Plan. The motion was seconded by Dr. Ferguson and carried unanimously among the Council members present.

RESOLUTION NO. 2922: FEE SCHEDULE

ORDINANCE NO. 1834: CONSOLIDATED SCHEDULE OF FEES

Mrs. Freenock stated that current governmental accounting guidelines call for all fees charged by a municipality to be authorized by an enabling ordinance. The proposed ordinance provides for the consolidation of all fees presently contained in the City's Fee Resolution and provides for amendments to those fees as well as the establishment of new fees by manner of an amendment to the City Fee Resolution. The proposed ordinance would satisfy accounting guidelines and refine the process of establishing and amending fees.

A review of Resolution No. 2907 (establishing fees) shows that clarification is needed for the appropriate application of the item pertaining to Special Event Support Services. Therefore, it was suggested that Resolution No. 2907 be rescinded and a fee resolution reflecting this clarification be adopted (no other fee changes made).

Resolution No. 2922. Dr. Ferguson made the motion to approve the resolution rescinding Resolution No. 2907 and establishing fees. The motion was seconded by Mr. Lewis and carried unanimously among the Council members present.

Ordinance No. 1834. Dr. Ferguson made the motion to adopt the ordinance providing for a consolidated schedule of fees. The motion was seconded by Mr. Lewis and carried unanimously among the Council members present.

During discussion, Mr. Harvey noted his concern regarding filing fees for appeals relative to Property Maintenance Code violations and the mechanism for an appellant to recoup such costs if the ruling is in their favor. He indicated that he would further address this matter at a later date.

Mr. Harvey also noted concerns relative to fees pertaining to the City Sign Ordinance. Mr. Hildebrand offered to review the Ordinance with Mr. Harvey.

DEPARTMENT REPORTS – JULY, 2013

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:

Parks and Recreation Commission	– July 2, 2013	Regular Meeting
Planning Commission	– June 19, 2013	Regular Meeting
Street Landscape Committee	– June 25, 2013	Regular Meeting

ADJOURNMENT

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