

**WARREN CITY COUNCIL  
REGULAR MEETING  
SEPTEMBER 16, 2013 – 7:30 PM**

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**OPENING OF MEETING**

Mayor Mark A. Phillips presided over the September 16, 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 regarding 1) litigation regarding the Allegheny Center for the Arts Building, 2) property matters regarding City park properties, and 3) property subject to a mortgage in favor of the City.

**ROLL CALL**

Members present and responding to roll call were: Mayor Mark Phillips, Maurice Cashman, Dr. Howard Ferguson, Samuel Harvey, John Lewis, Joseph Sprentz, and James A. Zavinski, Sr. 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.

**RECOGNITION OF VISITORS**

Mayor Phillips welcomed all visitors. Present were:

- Lisa To: South Side Oil/Gas Well
- Dawn Hagberg: South Side Oil/Gas Well
- Jason Hagberg: South Side Oil/Gas Well
- Ross Hawks: South Side Oil/Gas Well
- Lenny Gray: City employee observing
- Carolyn Yurick, 421 Hickory Street: Observing
- Evenly Buser, 1029 Rt. 62, Tidioute: Owner of 4 Pool St. regarding the Building Code Dept.
- Judy Wytig, 625 Connecticut Avenue: Sewer Billing
- Amanda Kosterman: City employee observing
- Richard Kolcharno, 1301 Madison Avenue: Observing
- Gregory Fraser, 17 Fourth Avenue: Observing
- Josh Cotton: Times Observer reporter

**APPROVAL OF MINUTES**

Upon motion by Mr. Lewis and second by Mr. Zavinski, the minutes of the August 19, 2013 Regular Meeting were unanimously approved.

Upon motion by Mr. Cashman and second by Mr. Harvey, the minutes of the August 26, 2013 Special Meeting were unanimously approved.

**CORRESPONDENCE**

There was no correspondence to come before Council.

**COUNCIL UPDATES**

**Southside Oil/Gas Well – Timothy Koebley.** (See also 8/26/13 Special Meeting minutes.)

Ms. Stapleford stated that she has communicated with Mr. Koebley's attorney and is working with him to see that the property is brought into compliance with the City Zoning Ordinance.

Mrs. Freenock noted that the City recently received correspondence from Mr. Koebley's attorney which will be reviewed to determine whether it presents a plan of action acceptable to the City.

**117 Beaty Street.** (See also 8/19/13 Regular Meeting minutes.) Ms. Nau stated that the City has been working to acquire permission from the guardian(s) of the heir(s) to this property to conduct a building codes inspection by an impartial third party to determine whether it is habitable. If the third-party report determines that the property is uninhabitable, the City would demolish the structure and place a lien on the property in an amount equal to the cost of demolition as well as ongoing property maintenance performed by the City or contracted services (i.e. lawn care, sidewalk snow clearing). Mrs. Freenock indicated that the City would not seek possession of the property.

**Skateboard Concern: Orchard & Terrace Streets.** (See also 8/19/13 Regular Meeting minutes.) Ms. Stapleford stated that she researched resident/property owner Ken Darr's request for "No Skateboard" signage on sidewalks adjacent to this intersection. It was Ms. Stapleford's recommendation that the City take no action regarding this request for the following reasons:

1. Installation of signage at one intersection would present the possibility of numerous other such requests.
2. Such signage would likely give rise to the question of why bicycles are permitted and skateboards are not.
3. The sidewalk steps that are of concern were in place at the time that Mr. Darr purchased the property and, therefore, he was aware of their presence and potential liability.

Mrs. Freenock indicated that she will send a letter to Mr. Darr stating the City's stance that no action will be taken.

**Crary Art Gallery Sign.** Mrs. Freenock noted that a newly-installed wall sign located at the Crary Art Gallery is in excess of the size permitted in an R-3 (Residential High Density) neighborhood and was installed without a sign permit. The Crary Board of Directors has been contacted regarding this and it was indicated to the City that members of the Board and the contractor who manufactured and installed the sign each thought that the other party had obtained a permit. Mr. Hildebrand indicated that the Crary Board plans to address the City Planning Commission to request that a Sign Ordinance amendment be initiated to accommodate the sign. Mrs. Freenock stated that an additional option available to the Crary Board would be an appeal to the Zoning Hearing Board requesting a variance or a special exception. She further noted that such an appeal would likely be unsuccessful as the hardship was created by the property owner and did not result from natural limitations of the property.

**Mid-Block Crosswalks.** Mrs. Freenock indicated that mid-block crosswalks connecting the Blair Corporation offices and retail store to corporate parking lots located on Third Avenue and on Hickory Street are not legal crosswalks as defined by PennDOT. Chief Zydonik explained that they are not legal due to their proximity to other crosswalks, sight distances, pedestrian and vehicular traffic volume in the area, lack of proper curb cuts, and the absence of appropriate signage. City staff will meet with Blair representatives regarding this matter and will report the outcome to Council.

**Prospect Street Residence – Ongoing Yard Sales.** In response to concerns regarding two properties on Prospect Street which conduct continuous yard sales, Ms. Stapleford indicated that the City may adopt an ordinance which would limit the frequency and duration of yard sales. Mr. Gustafson noted that, in some instances, the resultant clutter may be addressed under the Property Nuisance Code.

#### **JUNIOR COUNCIL MEMBER: 2013-2014 SCHOOL YEAR**

Mr. Zavinski and Mr. Lewis serve as the selection committee for the Junior Council member and each year applications are solicited from students who reside in the City and who will be a junior or senior. Mr. Zavinski announced that he and Mr. Lewis concurred on the selection of Eric Zavinski to serve for the 2013-2014 school year.

#### **PROPERTY OWNER CONCERN REGARDING 4 POOL STREET: BUILDING CODES**

Evelyn Buser, owner of 4 Pool Street, distributed a letter and addressed Council regarding the property. Mrs. Buser indicated that over a period of time work has been performed at this property. She further noted that individuals from the Building Code Department have visited the property and indicated that there were Code violations to be corrected. Mrs. Buser stated that she resides out of town and is not generally at the property. Therefore, she requested that she be provided with a listing of matters to be addressed. Mayor Phillips stated that the Building Code Office is open daily and she may meet with a member of the Department to address her concerns.

#### **RESIDENT CONCERN REGARDING PAYMENT OF SEWER CHARGES**

Judy Wytzig addressed Council and noted that there are no locations within the City to make in-person payments for sewer charges. Mrs. Risinger indicated that the City has had discussions with Pennsylvania Municipal Services (PAMS), the City's designated agency for collection of sewer charges, and the company does not presently have a means to make local collections available. It was noted that bills may be paid by mail or online. Mayor Phillips requested that a letter be sent to PAMS requesting that consideration be given to establishing a means to pay bills locally. Mrs. Freenock noted that this matter could also be addressed at the time that the current contract with PAMS is up for renewal.

#### **RESOLUTION NO. 2921: DISPOSITION OF NON-PERMANENT RECORDS**

Mrs. Freenock stated that the City previously declared, by resolution, its intent to follow the schedules and procedures for the disposition of non-permanent records as set forth in the Municipal Records Manual of the Pennsylvania Historical and Museum Commission. In accord with these guidelines, Council must acknowledge each disposition of records by separate resolution.

Upon motion by Mr. Harvey and second by Mr. Lewis, Council members voted unanimously to approve the resolution authorizing the disposition of the identified non-permanent records.

#### **ADA HANDICAPPED ACCESS RAMP IMPROVEMENT PROJECT**

Mr. Sceiford reported that the City received bids for the ADA Handicapped Access Ramp Improvement Project. The work on this project consists of the reconstruction of access ramps, curbs, and sidewalks at various designated intersections throughout the City. Funding for the entire project is provided through a grant from the Community Development Block Grant Program. The low bid for this project was submitted by Lake Shore Paving, Inc. of Jamestown, New York.

Upon motion by Mr. Lewis and second by Mr. Zavinski, Council members voted unanimously to authorize the City to award a contract and enter into an agreement with Lake Shore Paving for the ADA Handicapped Access Ramp Improvement Project.

#### **SNOWPLOWING CONTRACT: 2013-2014 AND 2014-2015 WINTER SEASONS**

Mr. Holtz reported that the City received bids for a two-year contract for the snowplowing of City parking areas.

Upon motion by Mr. Cashman and second by Mr. Lewis, Council members voted unanimously to award the two-year snowplowing contract to Tome Enterprises for the 2013-2014 and 2014-2015 winter seasons.

## **DEPARTMENT REPORTS – AUGUST, 2013**

The following reports were presented for Council's review:

Police Department  
Fire Department  
Department of Public Works  
Building Codes Department

Mr. Harvey stated that he has fielded numerous concerns regarding the closing of restrooms within City parks. Ms. Nau stated that restrooms had been closed in response to an excessive number of instances of vandalism at certain locations. Such vandalism ranged from the taking/destruction of paper products to damage to doors, partitions, etc. Ms. Nau stated that City Staff is working to find a viable solution to allow the restrooms to remain open during normal park hours.

**APPROVED MINUTES OF BOARDS, COMMISSIONS, AND COMMITTEES**

**Council acknowledged receipt of the following:**

Special Events Committee – Event Status Report

**ADJOURNMENT**

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