

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

OPENING OF MEETING

Mayor Mark A. Phillips presided over the December 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 on December 2 and immediately prior to this meeting regarding personnel matters.

PRESENTATION TO MAYOR

Council Vice-President Cashman presented Mayor Phillips with a plaque in recognition of his years of service to the City of Warren as a member of the Zoning Hearing Board (1991 to 1992), member of the Planning Commission (January 1992 to October 1997), Council member (October 1997 to July 2001), and as Mayor (August 2001 to December 2013).

ROLL CALL

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

RECOGNITION OF VISITORS

Mayor Phillips welcomed all visitors. Present were:

- Gregory Fraser: Councilman-elect
- Richard Kolcharno: Councilman-elect
- Barb Phillips
- Peter To: South Side Oil/Gas Well
- Lisa To: South Side Oil/Gas Well
- Sally Best: South Side Oil/Gas Well
- Ross Hawks: South Side Oil/Gas Well
- Andrew Moore: City Firefighter observing
- Jason Schott: City Firefighter observing
- Lenny Gray: City employee observing
- Amanda Kosterman: City Police Officer observing
- Pauline Steinmeyer: City resident regarding public participation in the budget process
- Todd Hyde: City resident
- Bill Thompson: Fourth of July Fireworks
- Jacob Perryman: Times Observer reporter

APPROVAL OF MINUTES

Upon motion by Mr. Zavinski and second by Mr. Cashman, the minutes of the November 18, 2013 Regular Meeting were unanimously approved with one correction (Contribution to the Transit Authority is to be \$7500) .

Upon motion by Mr. Lewis and second by Mr. Harvey, the minutes of the November 25, 2013 Special Meeting were unanimously approved.

Upon motion by Mr. Lewis and second by Mr. Harvey, the minutes of the December 2, 2013 Special Meeting were unanimously approved.

Upon motion by Mr. Lewis and second by Dr. Ferguson, the minutes of the December 11, 2013 Budget Public Hearing 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, 9/16/13, 10/21/13, and 11/18/13 meeting minutes.)

Ms. Stapleford stated that on December 4, 2013 the Department of Environmental Protection (DEP) issued a well plugging permit for the well located on Timothy Koebley's property on Biddle Street. It was further indicated that the property owner will have thirty days to plug the well. Ms. Stapleford stated that she will ascertain when the well is plugged and report such to Council.

Ross Hawks, South Side resident, thanked Council and City staff for their efforts in resolving this matter.

117 Beaty Street Property

(See also 8/19/13, 9/16/13, and 11/18/13 meeting minutes)

Ms. Stapleford reported that some members of the family are willing to "sign off" on this property while others are not willing to do so and, thus, this matter is at a standstill. Ms. Stapleford stated that there is an individual with interest in purchasing the property. It was noted that that the property has been secured.

NOTICE OF GRANT APPROVAL: MUNICIPAL POOL RENOVATIONS

Mr. Hildebrand informed Council that the Pennsylvania Department of Conservation and Natural Resources (DCNR) announced the approval of the City of Warren Swimming Pool Building Grant in the amount of \$98,500 (50% of the project cost). It was noted that the required matching funds are included in the Community Improvement Project budget for 2014. Mrs. Freenock noted that City staff plans to seek contributions from local foundations to offset the matching funds. The project will include renovations to the restroom/lifeguard building.

DCED AGREEMENT: REVOLVING LOAN FUND REPLENISHMENT

Ms. Stapleford noted that at its regular meeting on July 16, 2012, Council approved submission of the City's Comprehensive Response Plan to the Department of Community and Economic Development (DCED). The Plan was in response to the Financial Monitoring Report for the New Communities Grant (Anchor Building Project, 225-227 Liberty Street). As pledged in the Comprehensive Response Plan, the City began making payments to replenish the Revolving Loan Account in January, 2013. The agreement is required by DCED and memorializes statements made in the Response Plan regarding said payments.

Dr. Ferguson made the motion to approve the agreement with DCED for the replenishment of the Revolving Loan Account. The motion was seconded by Mr. Zavinski and carried with six votes in the affirmative and one abstention by Mayor Phillips who cited his association with GRO-Warren.

BOARD OF HEALTH

Ms. Nau stated that in accord with the Third Class City Code and pursuant to the provisions of the Pennsylvania Public Eating and Drinking Place Law, City Ordinance No. 1502 of 1989 appointed the City Council to act as the City's Board of Health. In recent years, there have been significant

statutory changes regarding the annual inspection and licensing of such establishments. Therefore, it has become necessary to implement an updated ordinance establishing the City Board of Health, a resolution establishing procedures for inspections and licensing, and a resolution appointing a Health Officer.

Ordinance No. 1841: Establishing a Board of Health

Upon motion by Dr. Ferguson and second by Mr. Zavinski, Council members voted unanimously to approve the ordinance repealing Ordinance No. 1502 in its entirety and establishing a City Board of Health.

Resolution No. 2933: Establishing Procedures for Issuance of Retail Food Facility Licenses

Upon motion by Dr. Ferguson and second by Mr. Zavinski, Council members voted unanimously to approve the resolution establishing the Procedures for Issuance of Retail Food Facility Licenses.

Appointment of Health Officer

Upon motion by Dr. Ferguson and second by Mr. Zavinski, Council members voted unanimously to approve the resolution appointing Dennis Olson, MD, as the City Health Officer for 2014 and establishing the compensation to be provided for his service as Health Officer.

ADDRESS TO CITY COUNCIL: PAULINE STEINMEYER

Ms. Pauline Steinmeyer, City resident, addressed Council and expressed her concerns regarding the availability of information to the public during the budget preparation process. She also stated her concern that certain financial reports are not yet posted to the City web site and that 2012 Financial Reports have not yet been filed with the Department of Community and Economic Development (DCED). Ms. Steinmeyer was advised that the 2012 audit of the City's books has been particularly prolonged due to staffing limitations on the part of the current audit firm as well as extenuating audit requirements regarding the Anchor Building Project. It was further noted that the City has been in communication with the audit firm and the audit report is expected to be forthcoming. Mayor Phillips thanked Ms. Steinmeyer for her interest in the workings of the municipal government.

Junior Council Member Eric Zavinski arrived during this portion of the meeting.

ESTABLISHMENT OF A COUNCIL COMMITTEE ON PARKING

Following discussion of options regarding the regulation of parking in downtown areas and means to increase parking revenues, Dr. Ferguson made the motion that an ad hoc Parking Committee comprised of three Council members be established with the Mayor to make appointments at the 2014 Council Organizational Meeting. The Committee is to provide a report to Council in three months. The motion was seconded by Mr. Lewis and carried unanimously.

RESOLUTION NO. 2935: ADOPTING THE 2014 MUNICIPAL BUDGET

Mrs. Risinger noted that revised Minimum Municipal Obligations (MMO's) for the three pension plans were favorable to the City and, thus, the City was able to address healthcare cost increases without increasing the proposed budget. The budget, as proposed, provides for employee contributions to healthcare costs to be in accord with collective bargaining agreements and Resolution No. 2881.

Mr. Lewis made the motion to rescind the portion of Resolution No. 2881 of 2011 relating to the employee (non-union) share of healthcare costs and to establish the employee contribution at forty percent of the increase in premium. Following discussion, Mr. Lewis withdrew the motion.

Mr. Harvey made the motion to replace the \$40 per pay period employee (non-union) contribution as contained in Section 8.3.b of Resolution No. 2881 with a contribution of forty percent of the increase in premium based on 2013 as the base year. The motion was seconded by Mr. Lewis. Upon further discussion the motion and second were withdrawn. Dr. Ferguson suggested a “hold harmless” minimum \$40 contribution and expressed concern that the contribution not be decreased for some employees while being increased for others. Mr. Cashman noted that it would be possible to re-open the budget for further discussion upon seating of the Council in January.

Mrs. Freenock stated that the 2014 Municipal Budget is summarized as follows:

General Fund	\$8,276,194
Community Improvement Program	\$4,949,500
Sewer Fund	\$1,517,778
Parking Fund	\$ 477,015

Under this budget, the Real Estate Tax millage will remain at 19.8 mills on each one dollar of assessed valuation and the combined Earned Income Tax will remain at two and two-tenths percent (Earned Income Tax of one percent plus Supplementary Earned Income Tax of one and two-tenths percent).

Upon motion by Mr. Lewis and second by Mr. Sprentz, Council members voted unanimously to adopt the 2014 Municipal Budget as presented.

ORDINANCE NO. 1842: ESTABLISHING REAL ESTATE TAX RATE FOR 2014

Upon motion by Mr. Harvey and second by Mr. Lewis, Council members voted unanimously to approve the ordinance establishing the real estate tax rate for 2014 at 19.8 mills on each one dollar of assessed valuation.

RESOLUTION NO. 2936: ADOPTING SEWER USER RATES FOR 2014

Mr. Holtz noted that as the City operates, maintains, and prepares to make significant improvements to the City’s wastewater treatment system as proposed in the Official Sewage Facilities Plan required by the Pennsylvania Department of Environmental Protection and the U.S. Environmental Protection Agency, it is necessary to continue a plan of adjusting sewer user rates on an annual basis.

Mr. Cashman made the motion to approve the resolution establishing Sewer User Rates for 2014. The motion was seconded by Dr. Ferguson and carried unanimously.

RESOLUTUION NO. 2937: ESTABLISHING FEES

Mr. Lewis made the motion to approve the resolution establishing fees for the provision of various permits, services, and facilities. The motion was seconded by Mr. Zavinski and carried unanimously.

RESOLUTION NO. 2938: APPOINTING CITY ENGINEER FOR 2014

Mr. Lewis made the motion to approve the resolution to appoint Hill Engineering, Inc. as the City Engineer for 2014. The motion was seconded by Dr. Ferguson and carried unanimously.

PROPOSED RESOLUTION: CONTRACT AGREEMENT WITH CITY ENGINEER

Mr. Lewis made the motion to approve the resolution providing for a contract agreement with Hill Engineering, Inc. for 2014. The motion was seconded by Dr. Ferguson. Upon further discussion and in response to Council members requesting that the agreement include a per diem rate, Mr. Lewis and Dr. Ferguson withdrew their motions. The agreement is to be further addressed at the January 6, 2014 Council Organizational Meeting.

RESOLUTION NO. 2939: APPOINTING AUDITING FIRM FOR 2013, 2014, & 2015 ACCOUNTS

Mrs. Freenock stated that each year, by resolution, Council approves a contract for the performance of auditing services for the City. The present firm of Kersey & Associates, PC, has indicated that they will no longer perform governmental audits. Therefore, the City submitted a Request for Proposal (RFP) for audit services to firms throughout the area. Proposals were received through December 12 and were evaluated by the Finance Officer, City Administrator, and Mr. Cashman.

Based on their evaluation, it was recommended that the firm of Felix & Gloekler, P.C., 2306 Peninsula Drive, Erie, PA be retained for performance of audit services for the 2013, 2014, and 2015 Accounts of the City. This firm's Audit Fee will be \$33,000 per year based on the performance of 400 hours of work. The firm's Audit Fee for completion of the Wastewater Conveyance and Treatment Agreed Upon Procedures report will be \$4,000 per year.

Mr. Cashman made the motion to approve the resolution appointing the firm of Felix & Gloekler, P.C. for the audit of the 2013, 2014, and 2015 Accounts of the City as well as the Wastewater Conveyance and Treatment Agreed Upon Procedures for the stated years. The motion was seconded by Mr. Lewis and carried unanimously.

RESOLUTION NO. 2940: APPOINTING SOLICITOR FOR 2014

Mrs. Freenock noted that the firm of Stapleford & Byham, LLC, has completed its fourth year in serving as the City Solicitor. It was noted that, upon reappointment, Attorney Andrea Stapleford would continue to serve as primary counsel to the City and Attorney Christopher Byham would serve as secondary counsel.

Dr. Ferguson made the motion to approve the resolution providing for retention of the firm of Stapleford & Byham, LLC, as the City Solicitor for 2014. The motion was seconded by Mr. Zavinski and carried unanimously.

RESOLUTION NO. 2941: ESTABLISHING COMPENSATION RANGES FOR CLASSIFIED EMPLOYEES

Mrs. Freenock noted that the compensation ranges provided for in the resolution are in accord with the Council action taken at the November 25 Special Meeting.

Mr. Lewis made the motion to approve the resolution establishing compensation ranges for classified employees. The motion was seconded by Mr. Cashman and carried unanimously.

APPOINTMENT OF BUILDING CODE OFFICIAL

Mrs. Freenock stated that, in accord with PA Department of Labor and Industry regulations, it is required that a Building Code Official (BCO) be appointed annually for administration and enforcement of the Building Code. Mrs. Freenock indicated that Mary Ann Nau has completed the required BCO training and has been certified by the Department through October 2015 and recommended that she be appointed as the City BCO for 2014.

Mr. Lewis made the motion to appoint Mary Ann Nau as the City Building Code Official. The motion was seconded by Dr. Ferguson and carried unanimously.

DEPARTMENT REPORTS – NOVEMBER, 2013

The following reports were presented for Council's review:

Police Department
Fire Department
Department of Public Works
Building Codes Department

Chief Zydonik stated that, historically, the City has provided accommodations for parking during the holiday season. Therefore, the Midtown Lot parking gates will be open on Tuesday and Wednesday of the next two weeks.

APPROVED MINUTES OF BOARDS, COMMISSIONS, AND COMMITTEES

Council acknowledged receipt of the following:

Parks and Recreation Commission	– October 1, 2013 Regular Meeting
Planning Commission	– September 18, 2013 Regular Meeting
Street Landscape Committee	– October 22, 2013 Regular Meeting
Special Events Committee	– Event Status Report

STATUS OF FORMER HOME STREET SCHOOL PROPERTY

In response to Mr. Sprentz' question regarding the former Home Street School property, Mr. Gustafson indicated that the site was to be graded and restored following demolition of the structure by the current owner, Ruzhdi Bakalli. As the site restoration has not occurred, the Building Codes Department will address this matter.

ACCOLADES

Mr. Sprentz thanked Mayor Phillips for his twenty-plus years of service to the City. Mr. Sprentz also thanked Council members for his appointment to fulfill a portion of the term vacated by Christopher Park and stated that, as a citizen and taxpayer, he has gained a greater appreciation of the work of Council and City staff to make the City a better place. Mr. Cashman thanked Mr. Sprentz for his service as a Councilman.

Dr. Ferguson commended Eric Zavinski, Junior Council member, for his participation in the "Show Choir" and also for his academic accomplishments for which he has received numerous full offers from institutes of higher education.

ADJOURNMENT

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