

**WARREN CITY COUNCIL
REGULAR MEETING
MARCH 18, 2013 – 7:30 PM**

OPENING OF MEETING

Mayor Phillips presided over the March 18, 2013 regular meeting of Warren City Council in Council Chambers of the Municipal Building and opened the meeting with the Pledge of Allegiance.

RECOGNITION OF SERVICE TO THE CITY: CHRISTOPHER PARK

Mayor Phillips called former Councilman Christopher Park forward and presented him with a plaque in recognition of his service to the City as a member of the Planning Commission from January, 2003 through April, 2007 and as a Council Member from April, 2007 through January, 2013.

OATH OF OFFICE: JOSEPH SPRENTZ

The Honorable Gregory J. Hammond, Judge of the 37th Judicial District of the Commonwealth of Pennsylvania, was present to administer the Oath of Office to Joseph Sprentz who was appointed by City Council to fill the seat vacated by Christopher Park (see 2/11/13 Special Meeting minutes). In accord with the City's Charter, Mr. Sprentz' appointment will expire on December 31, 2013. The remainder of the vacated term (through 12/31/15) will be fulfilled by the successful candidate in the November, 2013 General Election.

FOUNDERS DAY PROCLAMATION

Dr. Howard Ferguson, St. Joseph School Principal and City Council member, introduced the teachers and students present and acknowledged those who were unable to attend. Dr. Ferguson explained that the school's celebration of Founders Day on April 18 will be the culmination of a project that has spanned two school years for the students who are now in fourth grade. The project began as part of a class discussion regarding Founders Day in other communities. The students' questions as to why such a day was not celebrated in Warren led them to research the history of the founding of Warren and, with assistance from the Warren County Historical Society, it was determined that the Act of April 18, 1795 called for the laying out of the town of Warren, among others. The students addressed Council and provided information regarding their project.

Mayor Phillips read the Founders Day Proclamation and it was noted that he will be in attendance to formally present the proclamation to the students of St. Joseph School at their Founders Day Celebration. Mr. Cashman will also participate by providing a history of Warren.

ROLL CALL

Members present and responding to roll call were: Mayor Phillips, Mr. Cashman, Dr. Ferguson, Mr. Harvey, Mr. Lewis, Mr. Sprentz, and Mr. Zavinski. Mr. Gustafson, Mr. Hildebrand, Mr. Holtz, Mrs. Leary, Ms. Nau, Mr. Sceiford, Ms. Stapleford, and Chief Zydonik of City staff were also in attendance.

APPROVAL OF MINUTES

Upon motion by Mr. Zavinski and second by Dr. Ferguson, the minutes of the February 18, 2013 Regular Meeting were unanimously approved by the members present.

Upon motion by Mr. Lewis and second by Mr. Harvey, the minutes of the February 19, 2013 Special Meeting were unanimously approved by the members present.

RECOGNITION OF VISITORS

Mayor Phillips welcomed all visitors. Present were:

Special guests from St. Joseph Elementary – Founders' Day Project

- Ailsa Boger
- Ian Darling
- Kennedy Ford
- Amanda Gray
- Wesley Kiehl
- Ms. Judith Williams, Teacher
- Cayden Mahaney and Marilyn Shene were unable to attend but were acknowledged for their participation in the class project
- Chloe Labowski
- Megan McGuinness
- Anne Schwanke
- Hannah Shattuck
- Luke Smelko
- Mrs. Amy Harvey, Teacher

- Lenny Gray: Observing
- Andy Moore: Observing
- Amanda Kosterman: Observing
- Chris Darling: Parent of St. Joseph School Student
- Mike Kiehl: Parent of St. Joseph School Student
- Andrea Kiehl: Parent of St. Joseph School Student
- Kelly Ford: Parent of St. Joseph School Student
- Jason Shattuck: Parent of St. Joseph School Student
- Nancy Schwanke: Parent of St. Joseph School Student
- Paul Schwanke: Parent of St. Joseph School Student
- Vivian Boger: Parent of St. Joseph School Student
- Paul Boger: Parent of St. Joseph School Student
- Ryan McGuinness: Parent of St. Joseph School Student
- Barbara McGuinness: Parent of St. Joseph School Student
- Barb Smelko: Parent of St. Joseph School Student
- Dan Ristau
- Derek Harrison: Subdivision application
- Shawn Walker: Subdivision application
- Pauline Steinmeyer: Observing
- Beth Sprentz: Joseph Sprentz Oath of Office
- Andrew Sprentz: Joseph Sprentz Oath of Office
- Josh Cotton: Times Observer reporter

CORRESPONDENCE

Council members acknowledged receipt of the following correspondence:

- Warren Area Student Union (WASU): Thank you for contribution
- PA Housing Finance Agency: Notice of funding application and opportunity to provide comment regarding affordable housing development at Cornerstone Commons (Buchanan Court Apartments) located at 104 Buchanan Street, Warren.
- Community Foundation of Warren County, Inc.: Notice of \$500 gift from the Sokolski Family Fund designated for use by the City of Warren Summer Playground Program. The Sokolski family noted their desire to provide similar grants on an annual basis.

RESOLUTION NO. 2914: WALKER-HARRISON MINOR SUBDIVISION, 7 SECOND AVENUE

Mr. Hildebrand reported that Shawn Walker and Derek Harrison filed a minor subdivision application for WN-576-8373 located at 7 Second Avenue. The subdivided parcels A and B (per the provided

plat) would be annexed to adjacent parcels and treated as solitary parcels for tax assessment, planning, and other regulatory purposes.

Mr. Cashman made the motion to approve the Walker-Harrison Minor Subdivision. The motion was seconded by Dr. Ferguson and carried with six votes in the affirmative and one abstention by Mr. Harvey who cited a conflict of interest.

APPOINTMENTS TO UCC JOINT BOARD OF APPEALS

Ms. Nau stated that in accord with Ordinance No. 1823, as adopted at the February 19, 2013 meeting of Council, it is necessary to make appointments to the Uniform Construction Code (UCC) Joint Board of Appeals. She further stated that a press release regarding membership on the Board was published in the Times Observer and resumes were received from individuals who appear to be qualified for appointment to the Board.

Upon motion by Mr. Cashman and second by Mr. Harvey, Council members voted unanimously to make the following appointments for the designated terms:

Angela Dart	5 years
Thomas R. Eaton, Sr.	4 years
Jason Hagberg	3 years
David Sobina	2 years
Harvey Stone	1 year

Upon motion by Mr. Cashman and second by Mr. Lewis, Council members voted unanimously to appoint the following alternates to the UCC Joint Board of Appeals:

Albert Webster	3 years
Dana Wellington	3 years

APPOINTMENT OF PROPERTY MAINTENANCE CODE OFFICIAL

Ms. Nau stated that Section 103.2 of the Property Maintenance Code provides for appointment of a Property Maintenance Code Official. The Code Official also serves as an ex officio member of the Property Maintenance Board of Appeals but has no vote on any matter before the Board. Ms. Nau indicated that Alan Gustafson was hired to replace former Code Official John Groh in this regard but was never officially appointed to this post by Council. Therefore, the recommendation of the City Manager is that he be appointed as the Property Maintenance Code Official.

Upon motion by Mr. Lewis and second by Mr. Zavinski, Council members voted unanimously to appoint Alan Gustafson as the Property Maintenance Code Official.

FIREFIGHTERS PENSION PLAN AMENDMENT

Ms. Nau reported that the Warren Firefighters Pension Plan is currently invested in a MetLife Group Annuity Contract. At a recent meeting of the Firefighters Pension Committee, it was determined that it is desirable to amend the Annuity Contract to permit twenty percent (20%) of the assets to be withdrawn yearly for investment as outlined in a proposed Investment Policy Statement.

This action requires the adoption of an Investment Policy Statement, authorization to amend the Annuity Contract to allow the withdrawal of assets, and the appointment of the City Manager, City Finance Officer, and the Council Member serving on the Firefighters Pension Plan Committee as Trustees of an Investment Account to be established and maintained until such time as there are sufficient assets to engage a fund manager. Mr. Cashman indicated that he anticipates that a Request for Proposal for a fund manager will be let in approximately three years.

Resolution No. 2915

Upon motion by Dr. Ferguson and second by Mr. Zavinski, Council members voted unanimously to approve the resolution adopting a Firefighters Pension Plan Investment Policy Statement and appointing Trustees to facilitate creation of a balanced portfolio.

Investment Policy Statement

Upon motion by Mr. Lewis and second by Dr. Ferguson, Council members voted unanimously to adopt the Warren Firefighters Pension Plan Investment Policy statement.

Amendment to Annuity Contract

Upon motion by Dr. Ferguson and second by Mr. Lewis, Council members voted unanimously to authorize an amendment to the Warren Firefighters Pension Plan Annuity Contract to allow the withdrawal of assets as permitted pursuant to the terms and conditions of the Amendment to the Annuity Contract.

Appointment of Trustees

Upon motion by Dr. Ferguson and second by Mr. Harvey, Council members voted unanimously to appoint the City Manager, City Finance Officer, and City Council Member serving on the Firefighters Pension Plan Committee as Trustees of the Firefighters Investment Account.

FEE AGREEMENT LETTER: LABOR AND EMPLOYMENT COUNSEL

Ms. Nau stated that from time-to-time, it is necessary for the City to utilize the services of specialized legal counsel regarding labor and employment related matters. As a member of PELRAS (Public Employer Labor Relations Advisory Service), the City is entitled to utilize the services of Campbell, Durrant, Beatty, Palombo & Miller, P.C. at the PELRAS negotiated rate. It was noted that the City has utilized the services of this firm in the past and has found such to be very beneficial.

Mr. Cashman made the motion to accept and authorize signing of the Fee Agreement Letter with Campbell, Durrant, Beatty, Palombo & Miller, P.C. for specialized legal counsel regarding labor and employment-related matters. The motion was seconded by Mr. Lewis and carried unanimously.

RESOLUTION NO. 2916: DCNR GRANT APPLICATION – MUNICIPAL POOL RENOVATIONS

Mr. Hildebrand stated that the Pennsylvania Department of Conservation and Natural Resources (DCNR) requested that the City of Warren approve the provided resolution for the Grant Application and Grant Agreement. This grant funding would be utilized for the Restroom/Lifeguard Building Improvement Project. The total project cost is \$197,490. The application is requesting a grant reimbursement of 50% of this cost.

In response to Council members' concerns regarding the City's ability to fund its match for the grant, Mr. Hildebrand indicated that the City is not obligated to accept the grant if it is approved.

Mr. Lewis made the motion to adopt the resolution authorizing a grant application to the Department of Conservation and Natural Resources for interior and exterior renovations to the restroom/lifeguard building at the Warren Municipal Pool. The motion was seconded by Mr. Zavinski and carried unanimously.

PROPOSAL FOR GRANT APPLICATION: PARK/RECREATION COMPREHENSIVE PLAN

Mr. Hildebrand indicated that it was proposed that the City apply for a Department of Conservation and Natural Resources (DCNR) grant which would be utilized for a Park/Recreation Comprehensive Plan. The total project cost was projected to be \$80,000 with the grant being for fifty percent of this cost. As part of the grant application package, adoption of a resolution as provided by DCNR is required. Mr. Hildebrand and Ms. Nau indicated that a comprehensive plan would aid the City in

determining what its residents wish to see in parks and also stated that DCNR encourages the development of such plans. Mr. Hildebrand noted that DCNR's approval of the grant application would not obligate the City to accept the funding.

During discussion, Mr. Harvey expressed concern regarding the outlay of \$40,000 for the City's match to develop a plan which he does not believe the City can implement due to budget constraints. Mr. Lewis suggested that a comprehensive plan be developed in-house.

Upon Mayor Phillips request for a motion, none was given and, therefore, no action was taken on this matter.

ELM STREET PARKING LOT PROPERTIES

Ms. Stapleford stated that the committee appointed by Council for purposes of reviewing all properties held by the City reviewed properties which comprise the area commonly known as the Elm Street Parking Lot and identified as Parcels WN 587-1185 and WN 587-1191. She further stated that this property does not generate a significant amount of parking revenue and the lot surface is in extremely poor condition. To remedy the surface conditions would require an extensive and costly resurfacing project for which funding is not currently available or anticipated.

Ms. Stapleford further explained that a separate committee, which was formed and chaired by then Acting City Manager, Mary Ann Nau, met on two occasions with the owners of businesses which abut the Elm Street Parking Lot. The purpose of these meetings was to identify options which might be available to continue the use of the property as a parking lot and to determine whether these stakeholders wished to partner in any plans for the parking lot. One of the outcomes of these discussions was the statement by one of the property owners that he would have interest in purchasing the property which he would then rehabilitate. Said person would work with adjoining business owners to assure their customers and employees of a safe place in which to park.

Ms. Stapleford noted that following discussion of this topic at the February 18 Council meeting, she, Mrs. Freenock, and Mr. Holtz met to discuss the potential subdivision of the lot as suggested by Mr. Lewis and the following concerns were identified:

- The post-subdivision lots would be required to be placed for bid and, thus, could potentially be awarded to multiple bidders who may, or may not be, the owner(s) of the abutting properties.
- As unimproved lots, the assessed values and resultant tax revenues to be recognized from the subdivided parcels would be low.

In consideration of the high paving cost should the City retain the property, exposure to potential liability due to the properties' current condition, and the dependence of adjacent business properties on the availability of customer parking, it was recommended that the parcels be offered for sale, as is, with the Request for Bids to include a statement that the City reserves the right to reject any and all bids and with a covenant that would run with the land and would stipulate that the property must continue to be used for public parking.

Following considerable discussion, Mr. Lewis made the motion to place the Elm Street Parking Lot (Parcels WN-587-1185 and WN-587-1191) for sale, as is, with the Request for Bids to include a statement that the City reserves the right to reject and any all bids. The motion was seconded by Mr. Harvey.

Mr. Cashman then made the motion to amend Mr. Lewis' motion by including the restriction that the property may only be sold and used for public parking. The motion was seconded by Mr. Sprentz and carried with five votes in the affirmative and two nay votes cast by Mr. Lewis and Mr. Harvey.

The vote on Mr. Lewis motion, as amended, carried unanimously. Therefore, the Elm Street Parking Lot is to be placed for sale, as is, with the Request for Bids to include a statement that the City reserves the right to reject any and all bids and to include the restriction that the property may only be sold and used for public parking.

REQUEST FOR PENNDOT STUDY: INTERSECTION OF LIBERTY STREET & PA AVENUE WEST

Mr. Sceiford noted that in recent months Council has deliberated the matter of traffic control at the intersection of Pennsylvania Avenue West and Liberty Street. The options discussed were 1) retention of the current four-way STOP signs which have been in place since the Streetscape Project construction and 2) installation of a new traffic signal. Prior to the Streetscape Project in this area, a traffic signal was in place. Mr. Sceiford indicated that City Staff has met with PADOT representatives, a design engineer, and a contractor. As a result of these meetings, it was recommended that the City request that PA DOT conduct a traffic study, analyze the warrants, and determine whether a traffic signal should be installed. Mr. Sceiford advised Council that this request would commit the City to fund the installation of a traffic signal should PA DOT determine that it is warranted.

Mr. Cashman made the motion to authorize submission of a letter of request to the Pennsylvania Department of Transportation (PA DOT) requesting an Engineering and Traffic Study at the intersection of Pennsylvania Avenue West and Liberty Street regarding a traffic signal. The motion was seconded by Dr. Ferguson and carried with six votes in the affirmative and one nay vote cast by Mr. Sprentz.

PENNDOT STUDY: INTERSECTION OF MARKET STREET AND PENNSYLVANIA AVE. WEST

Mr. Lewis indicated that he contacted PA DOT regarding the City's request (via letter) for a traffic study at the intersection of Market Street and Pennsylvania Avenue West to determine whether the left-turn arrow for eastbound traffic on Pennsylvania Avenue may be changed from Protective-Prohibited to Protective-Permissive. He further indicated that the study is expected to be performed within a few weeks.

COMMUNITY CLEANUP DAYS

Mr. Holtz noted that during development of the 2013 budget, Council discussed establishment of a Community Cleanup Day(s). As a result, it was determined that the monthly recycling fee should be increased from \$1.85 to \$2.00 per month to fund the proposed service. This increase will generate approximately \$7,200 per year. Mr. Holtz indicated that similar programs in other communities were reviewed and it was determined that the most common practice is for the Department of Public Works to work in tandem with a local waste hauler.

Items which would not be collected are:

- Items containing Freon
- Tires
- Paint cans unless opened and dry
- Household garbage
- Chemicals
- Concrete or construction materials
- Batteries
- Buckets with unidentified materials
- Brush or yard waste
- Electronic items (cell phones, computers, TV's)

Mr. Holtz noted that it is difficult to provide an accurate cost estimate as the waste hauler charges would be based on tonnage collected. However, based on the seven sections as defined in the Curbside Recycling Collection Program and the number of residential households therein, the cost is anticipated to range from \$3,000 to \$6,000 per section (not including any DPW overtime generated). It is anticipated that collections would occur on Saturdays with one day devoted to each of the seven sections. As the annual amount generated by the increased recycling fee is not sufficient to cover the anticipated costs, Mr. Holtz suggested that two or three sections be addressed each year on a three-year rolling schedule.

Mr. Harvey made the suggestion that collections not begin in 2013 so as to allow the additional recycling fee revenues to accrue sufficiently to fund the program.

Mr. Cashman made the motion to conduct a citywide curbside "Community Cleanup Days" program once every three years commencing in 2014. The motion was seconded by Mr. Lewis and carried with six votes in the affirmative and one nay vote cast by Mr. Zavinski.

RESOLUTION NO. 2917: DEP CONSENT ASSESSMENT

Mr. Sceiford reported that during June and July of 2012 the City's Wastewater Treatment Plant exceeded limits established in its NPDES discharge permit. As a result of these violations, the Department of Environmental Protection (DEP) directed the City to provide a written explanation of the exceedences and identify corrective actions that would be taken to prevent future violations to the greatest extent possible. This information was provided to DEP by letter dated September 26, 2012. On February 13, 2013, the City received a certified mailing from DEP which included a "Proposed Consent Assessment of Civil Penalty" for subject violations. The penalty being assessed by DEP is \$3,500 which is a reduction from the initial assessed penalty of \$5,482. With approval of the Consent Assessment, signature by authorized representatives, and return to DEP with payment, the City would be exempt from future legal actions that could be taken regarding these violations.

Mr. Sceiford explained that the usual summer flow is low and plant operations are adjusted accordingly. However, as was the case in these two instances, a sudden flash rainstorm causes an increased flow and the plant cannot adjust quickly enough to avert exceedences. He further noted that completion of the upcoming construction project will remedy this problem.

Mr. Lewis made the motion to approve the resolution authorizing the Mayor and City Solicitor to execute the Consent Assessment of Civil Penalty as issued by the Commonwealth of Pennsylvania Department of Environmental Protection. The motion was seconded by Mr. Zavinski and carried unanimously.

ADDRESS TO COUNCIL BY DAN RISTAU

Mr. Ristau stated that he believes the issue at the intersection of Pennsylvania Avenue West and Liberty Street is the result of pedestrians not looking rather than movement of vehicular traffic. He also stated that many City streets need attention and that he does not wish to see more removed from the paving program.

In reference to the Rotary Club's proposal for development of a greenspace and amendments to the parking configuration at the intersection of Pennsylvania Avenue West and Market Street, Mr. Ristau indicated that he had spoken with specific business owners and stated that they do not support the project. (Clerk's note: since this meeting, the City has been contacted by one of the business owners referenced by Mr. Ristau who indicated that they are, indeed, in support of the Rotary Club's plan.)

STREET SWEEPER FINANCING

Mr. Holtz referenced Council's approval of an Obligor Resolution and authorization for the execution of financing documents related to the purchase of a Johnston VT650 Street Sweeper (February 18, 2013) via COSTARS, the State Purchasing Contract. In completing the required documents, City staff learned that additional City indebtedness associated with acceptance of the PENNVEST funding package for the Sewage Treatment Plant Project (2/11/13) resulted in an increase in the interest rate to be charged for the financing of the street sweeper. The interest rate rose from 3.13% to 3.48% for an increase of \$298 in the annual interest payment amount for five (5) years totaling \$1,490.

Upon motion by Mr. Harvey and second by Mr. Cashman, Council members voted unanimously to acknowledge the increase in the Street Sweeper Finance interest rate and to authorize the execution of the amended financing documents.

DEPARTMENT REPORTS – FEBRUARY, 2013

The following reports were presented to Council:

Police Department – Presented by Chief Zydonik
Fire Department – Provided for Council's review
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:

Blighted Property Review Committee	– May 24, 2012	Regular Meeting
Planning Commission	– January 16, 2013	Regular Meeting
Special Events Committee	–	Approved Events

ADJOURNMENT

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