

**WARREN CITY COUNCIL
REGULAR MEETING
MAY 18, 2015 – 7:30 PM *Corrected 7/20/2015***

OPENING OF MEETING

Mayor Cashman presided over the May 18, 2015 regular meeting of Warren City Council in Council Chambers of the Municipal Building and opened the meeting with the Pledge of Allegiance.

ROLL CALL

Members present and responding to roll call were: Mayor Maurice Cashman, Gregory Fraser, Dr. Howard Ferguson, Samuel Harvey, Richard Kolcharno, John Lewis, and James A. Zavinski, Sr. Mrs. Freenock, Mr. Hildebrand, Mr. Holtz, Mrs. Leary, Ms. Nau, Chief Pascuzzi, Mr. Sceiford, Ms. Stapleford, and Chief Zydonik of City staff were also in attendance.

RECOGNITION OF VISITORS

Mayor Cashman welcomed all visitors. Present were:

- Ed King: Regarding Matt King BBQ
- Sue King: Regarding Matt King BBQ
- Matt King: Regarding Matt King BBQ
- Caryl Wary: Regarding Matt King BBQ
- Cindy Fiscus: Regarding Matt King BBQ
- Pauline Steinmeyer: City resident observing
- Phil Gilbert: City resident observing
- Dana Hennessey: Regarding Matt King BBQ
- Julie Jacobs: Regarding Matt King BBQ
- Tim Olson: Deputy City Health Inspector
- Dr. Dennis Olson: City Health Inspector
- Siby Thomas: Mother of Robin Thomas, Junior Council Member
- Dr. Sunny Thomas: Father of Robin Thomas, Junior Council Member
- Julia Tarr: Downtown business owner
- Chris Beuger: Mobile Food License
- Mark Beuger: Mobile Food License
- Dan Ristau: Downtown Parking
- Elissa Davis: City resident observing
- Josh Cotton: Times Observer Reporter

APPROVAL OF MINUTES

Upon motion by Mr. Zavinski and second by Mr. Lewis, the minutes of the April 20, 2015 Regular Meeting were unanimously approved.

CORRESPONDENCE

There was no correspondence to come before Council.

MATT KING BBQ

(See also 3/16/15 and 4/20/15 minutes)

Matt King, owner of Matt King BBQ, addressed Council and stated that he has all necessary permits and licenses necessary for the operation of his business and recently earned a degree in Culinary Arts. He further stated that he has “sistered” with Docksiders Restaurant for the use of their permanent kitchen facility for preparation of food which is transported for sale at the mobile vendor facility as well as for dishwashing. Mr. King indicated that he plans to operate seasonally on an annual basis.

Dr. Dennis Olson, City Health Inspector, was present and indicated to Council that Mr. King had no infractions and that Mr. King's plan for operations is in accord with Food Licensing regulations.

Chris Beuger addressed Council and expressed her concerns regarding what she believes is a low lease rate for the City property on which Mr. King operates in comparison to property rent paid by permanent businesses. Ms. Beuger indicated that she had questions regarding Mobile Food Licensing which she wished to discuss with Dr. Olson.

Mr. Harvey noted that Council considered various lease rates and deemed the rate in the Lease Agreement with Matt King BBQ to be the most equitable.

DOWNTOWN PARKING

(see also 4/20/2015 minutes)

Dan Ristau addressed Council and stated that he believes parking spaces adjoining the Post Office should not be metered as he believes that the Post Office is a draw to the downtown area as its patrons then visit local businesses. Mr. Ristau encouraged Council to reduce parking fines and to remove five meters on Liberty Street and Third Avenue.

Julia Tarr, downtown merchant, stated that the parking plan "has not set well" with patrons and suggested that parking fines be set at \$5 for a first offense with significantly higher fines for subsequent offenses. Ms. Tarr suggested that the fine for a second offense be set at \$50. Ms. Tarr also requested that there be additional signage to advise motorists of the days and times of parking meter enforcement. Ms. Tarr requested that Council immediately take action on this matter.

Mayor Cashman responded that Council had previously stated that the parking plan would be reviewed in September. He further stated his concern that lowering parking fines would remove the incentive for individuals to park in the Midtown Parking Lot and, thereby, result in fewer on-street parking spaces being available for business patrons.

~~Mr. Ristau then shouted "How many businesses must close?" and "Council does not care." Mr. Ristau continued to shout when Ms. Stapleford attempted to address him. Mayor Cashman, at the Solicitor's request, then demanded that Mr. Ristau leave the meeting.~~

Corrected
7/20/2015

At this juncture in the meeting, Mr. Ristau moved to the podium without being recognized as a speaker and shouted "How many businesses must close?" and "Council does not care." When Ms. Stapleford attempted to address him, Mr. Ristau continued to shout. Ms. Stapleford then urged Mayor Cashman to demand that Mr. Ristau stop shouting. Following two attempts to gain Mr. Ristau's attention, Mayor Cashman rose from his seat and demanded that Mr. Ristau stop shouting. When Mr. Ristau did not comply, Mayor Cashman requested the Chief of Police to remove Mr. Ristau from the meeting so that order could be restored. Mr. Ristau then left of his own accord but was accompanied by Chief Zydunik as he exited.

Ms. Tarr suggested that vehicles be ticketed for each infraction of the three-hour maximum parking time limit (i.e. if a vehicle is parked in excess of six hours, it would receive two tickets).

Following considerable discussion, Mr. Harvey made the motion to reduce the parking fine from \$15 to \$10 for an expired meter. The motion was seconded by Dr. Ferguson. The vote on the motion, as amended by Dr. Ferguson's motion (see below) failed with three votes in the affirmative and four nay votes cast by Mr. Lewis, Mr. Fraser, Mr. Kolcharno, and Mayor Cashman.

Dr. Ferguson made the motion to amend Mr. Harvey's motion to include enforcement of the three-hour parking limit regarding expired and non-expired meters with a \$15 fine. The motion was seconded by Mr. Harvey and carried with five votes in the affirmative and two nay votes cast by Mr. Lewis and Mr. Kolcharno.

Following additional discussion, Mr. Lewis called for the question. The motion was seconded by Mayor Cashman and carried with six votes in the affirmative and one nay vote cast by Mr. Harvey.

RECOGNITION OF ROBIN THOMAS, JUNIOR COUNCIL MEMBER

Mayor Cashman presented Miss Thomas with a plaque commemorating her service as Junior Council Member for the 2014-2015 school year. Miss Thomas thanked Council for providing the opportunity to serve and noted that she will be a senior at Warren Area High School in 2015-2016 and then plans to attend Carnegie-Mellon University.

Most visitors left at this point.

ORDINANCE NO. 1855: AMENDING FIREFIGHTERS' PENSION PLAN

Mrs. Freenock stated that, in accord with the recently-adopted Memorandum of Understanding between the City and the I.A.F.F. Local No. 1835, it is necessary to amend the Firefighters' Pension Plan. The amendments to the plan provide for the addition of a Service Increment Benefit and modification of the Survivor Benefit Provisions.

Mr. Lewis made the motion to approve the ordinance amending the Firefighters' Pension Plan. The motion was seconded by Mr. Fraser and carried with six votes in the affirmative and one nay vote cast by Mr. Harvey.

AGREEMENT: CABLE FRANCHISE RENEWAL

Mrs. Freenock noted that at the April 20, 2014 regular meeting, City Council voted to enter into an agreement with the Cohen Law Group to negotiate a cable franchise renewal with Cogeco Cable II, Inc. (Atlantic Broadband). Mrs. Freenock reported that an agreement was prepared and there are two terms within the agreement that are of particular note:

1. The definition of gross revenues was changed to include more potential revenue sources.
2. In the event that there are changes in the law which are favorable to the City, each party agrees to revisit the agreement.

Mrs. Freenock also noted that via a side letter agreement, Atlantic Broadband agrees to continue to provide internet service to the Administrative side of the Municipal Building at no cost.

Mr. Fraser made the motion to accept the negotiated agreement between the City and Atlantic Broadband. The motion was seconded by Mr. Harvey and carried with six votes in the affirmative and one abstention by Mr. Lewis who cited his ownership of a business which provides internet service.

AGREEMENT: PENNPRIME MEMBER PARTICIPATION

Mrs. Freenock noted that PennPRIME Trust is a risk coverage pool in which local agencies of the Commonwealth may participate. The City has carried various lines of insurance coverage through PennPRIME for several years. PennPRIME is reviewing and updating its records and requested that the City execute a Member Participation Agreement.

Upon motion by Dr. Ferguson and second by Mr. Zavinski, Council members voted unanimously to authorize execution of the PennPRIME Member Participation Agreement.

AGREEMENT: ROBERT KULAK, D/B/A ABC INSPECTIONS

Ms. Nau noted that the City has been unsuccessful in hiring a qualified person whose duties would include Property Maintenance Enforcement. Robert Kulak, d/b/a/ ABC Inspections currently performs Residential Building Code inspections for the City (by way of agreement dated September 14, 2014) and also holds Property Maintenance certification. Therefore, it was suggested that the City enter into an agreement with Mr. Kulak for the performance of Property Maintenance Enforcement services. With the onset of good weather, the City annually receives numerous complaints regarding property maintenance issues and, therefore, it is necessary to initiate enforcement action in a timely manner.

Ms. Nau noted that a member of the Police Explorers unit will work during the summer months to assist with Property Nuisance complaints.

Upon motion by Mr. Lewis and second by Mr. Zavinski, Council members voted unanimously to approve the agreement with Robert Kulak, d/b/a ABC Inspections for Property Maintenance Enforcement.

OPERATION OF BETTS PARK CONCESSION STAND

Ms. Nau stated that since 2009, Melissa Flick has been employed as a part-time seasonal employee hired to manage and operate the concession stand at Betts Park. She was supervised by a full-time City employee who was compensated at an over-time rate for this additional work. League activity at the Park has decreased to the point that in 2014 the concession stand operated only three evenings per week and during some special events. The profit generated by this activity last year was \$2,164.00.

She further noted that the City is experiencing a staffing shortage and lacks the necessary personnel to supervise concession stand operations. A Request for Proposal (RFP) was developed and advertised and one proposal was received from Flick's Mowing and Trimming whereby Melissa Flick proposes to operate the concession stand as an independent contractor. Flicks propose to compensate the City at a rate of \$250.00 per month for use of the concession stand facility.

This service is offered as an accommodation to those that utilize Betts Park. It is anticipated that 2015 may be the final year that the concession stand will operate as renovations to the restroom facilities housed in the same building are planned for 2016 (dependent on grant funding). In order to make the facility ADA-accessible, the restroom areas will be enlarged and, therefore, there will likely be insufficient remaining space for the concession stand to be housed in the same building.

Dr. Ferguson made the motion to authorize the lease of the Betts Park concession stand space to Flick's Mowing and Trimming for the Summer 2015 season for \$250 per month and to authorize the City Solicitor and City Manager to craft an agreement. The motion was seconded by Mr. Fraser and carried unanimously.

RESOLUTION NO. 2983 – AMENDING

Ms. Nau indicated that it recently came to the attention of City Staff that there was an error in Resolution No. 2983 which establishes fees and was adopted by Council on December 15, 2014. The fee for SELLING STANDS AND DEVICES, VENDOR LICENSE PERMIT was inadvertently omitted from the more recent resolution. In addition to amending Resolution No. 2983 by inserting the referenced fee, it was also requested that the fee be increased to \$150 per month.

Mr. Fraser made the motion to amend Resolution No. 2983 by inserting a monthly Vender License Permit at a rate of \$150 per month. The motion was seconded by Mayor Cashman and carried with four votes in the affirmative and three nay votes cast by Mr. Lewis, Mr. Harvey, and Mr. Kolcharno.

2015 BITUMINOUS PAVEMENT MILLING AND RESURFACING PROJECT

Mr. Holtz reported that a bid opening was held on Monday, May 11, 2015, for the City’s 2015 Mill and Overlay Project. Three bids were received with the apparent low bidder being IA Construction of Franklin, PA. The net bid for the base work totals \$398,794.38 which covers approximately 21 City blocks. Due to budget constraints it was recommended that no optional work be completed.

Project funding utilizes \$200,000 from Liquid Fuels funds and an additional \$300,000 from the General Fund as approved by Council.

Also included in this bid is the overlaying of the Betts Park runway. The cost to complete the runway totals \$140,057.50 of which the Betts Foundation has pledged \$90,000. Additional funding for the remainder is not presently available and, therefore, approximately 340 feet of the easternmost portion of the runway will not be repaved until additional funds become available.

Mr. Lewis made the motion to award the 2015 Bituminous Pavement and Resurfacing Contract to IA Construction of Franklin, PA and to confirm the proposed list of streets to be resurfaced. The motion was seconded by Dr. Ferguson and carried unanimously.

EAST STREET IMPROVEMENT PROJECT

Mr. Sceiford reported that bids were advertised and received for the Community Development Block Grant Program (CDBG) East Street Improvement Project. The work on the projects consists of reconstruction of East Street between Sixth and Seventh Avenues including sidewalks, curbs, and pavement. The low bid received for this project was submitted by Lake Shore Paving, Inc. of Jamestown, NY and provides unit costs which are within budget for the scope of the project. Mr. Sceiford indicated that the City has had favorable prior experience with Lake Shore Paving on several projects.

Mr. Lewis made the motion to award the East Street Improvement Project contract to Lake Shore Paving, Inc. The motion was seconded by Mr. Zavinski and carried unanimously.

SPECIAL MEETING DATE SET

Mrs. Freenock noted that bids have been let for the Midtown Parking Lot Project with a bid opening date of May 28. So that the project may commence in a timely manner, it was requested that Council meet in special session at 5:30 PM on June 1 for the purpose of awarding the bid. Mayor Cashman called for the special meeting at the suggested date and time.

DEPARTMENT REPORTS – APRIL, 2015

The following reports were presented for Council’s review:

- Police Department
- Fire Department
- Department of Public Works
- Building Codes Department Pamphlet

APPROVED MINUTES OF BOARDS AND COMMISSIONS

Council acknowledged receipt of the following approved minutes:

- Street Landscape Committee – March 24, 2015 Regular Meeting
- Special Event Status Report

ADJOURNMENT

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