

**WARREN CITY COUNCIL  
REGULAR MEETING  
FEBRUARY 15, 2016 – 7:30 PM**

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**OPENING OF MEETING**

Mayor Cashman presided over the February 15, 2016, regular meeting of Warren City Council in Council Chambers of the Municipal Building and opened the meeting with the Pledge of Allegiance.

Mayor Cashman announced that an executive session was held on January 22, 2016, regarding legal matters pertaining to a property located on Liberty Street and the sidewalk vault abutting it.

**PRESIDENTS' DAY PROCLAMATION**

Mayor Cashman presented a proclamation in honor of Presidents' Day and encouraged all citizens to share in reflecting on George Washington's contribution to our freedom and the founding of our nation and Abraham Lincoln's commitment to the preservation of the United States.

**ROLL CALL**

Members present and responding to roll call were: Mayor Maurice Cashman, Elissa Davis, Gregory Fraser, Philip Gilbert, Richard Kolcharno, John Lewis, James A. Zavinski, Sr., and Janelle Balas, Junior Council Member. Mrs. Freenock, Mr. Hildebrand, Mr. Holtz, Mrs. Leary, Ms. Nau, Mrs. Risinger, Mr. Sceiford, Capt. Zavinski, and Ms. Stapleford of City staff and Police Sgt. Deppen were also in attendance.

**RECOGNITION OF VISITORS**

Mayor Cashman welcomed all visitors. Present were:

- Pauline Steinmeyer: City resident
- Christian Zavinski: City resident
- Mathew Karda: Student present for school project
- Sandy Karda: Present regarding school project
- Atty. John Knox: Representing Tops PT, LLC
- Josh Cotton: Times Observer Reporter

**APPROVAL OF MINUTES**

Upon motion by Mr. Zavinski and second by Mr. Lewis, the minutes of the January 18, 2016 Regular Meeting were unanimously approved.

**CORRESPONDENCE**

There was no correspondence to come before Council.

**ORDINANCE NO. 1865: AMENDING DUE DATE FOR SEWER USE CHARGES**

Mr. Holtz noted that, presently, residential sewer use accounts are due twenty days following the date of billing while commercial and industrial accounts are due fifteen days following the date of billing. He further noted that commercial and industrial account holders have expressed that, dependent on the date the sewer use billing is received, fifteen days from the billing date are not sufficient for bills to be processed for timely payment. It was recommended that the ordinance be amended to provide twenty days for payment of sewer use charges for all account holders (i.e. residential, commercial, and industrial).

Upon motion by Mr. Fraser and second by Mr. Kolcharno, the ordinance providing twenty days for payment of sewer use charges for all account holders (residential, commercial, and industrial) was unanimously approved.

**CONTRACT AWARD: MUN. BUILDING ADA RAMP/RESTROOM IMPROVEMENTS**

Mr. Holtz stated that the City opened bids on February 10, 2016, for improvements to the City's ADA ramp and public restroom. It was noted that the 2016 budget includes an allocation of \$100,000 for improvements to the ramp. The improvements to the restroom were also included in the bid due to the proximity of the ramp and restroom. Carl E. Swanson & Sons, Inc., of Bradford, PA, was the apparent low bidder for this project at \$120,600.

The scope of work for the ADA ramp consists of removing the concrete top and railing, ramp brick repair, new concrete deck, and hand rails. The restroom improvements consist of relocating the fixtures to meet current ADA regulations as well as installation of an ADA drinking fountain. The project will also include a new entranceway partition wall and flooring.

Mr. Holtz stated that it was City staff's recommendation that Council approve both the ramp and restroom improvements and suggested Council's consideration of adjusting the monies allocated for the 2016 Mill & Overlay program to cover the additional cost of \$20,600 for this project.

Upon motion by Mr. Lewis and second by Mr. Kolcharno, Council members voted unanimously to approve award of the Municipal Building ADA Ramp and Restroom Improvement Project contract to Carl E. Swanson & Sons, Inc. in the amount of \$120,600.

**ESTABLISHING PUBLIC HEARING DATE: TOPS PT, LLC LIQUOR LICENSE TRANSFER**

Atty. John Knox was present on behalf of Tops PT, LLC and provided background information regarding plans for the transfer of a Pennsylvania Liquor License currently held in Brokenstraw Township into the City of Warren. The license will be used for operation of a malt beverage retail area within Tops Friendly Market. He stated that Tops PT, LLC will sublease space within Tops Friendly Market and further noted that Tops Friendly Markets leases the entirety of the store space from Warren Markets. Mr. Knox displayed a floorplan which indicates the location of the proposed malt beverage retail area. Mr. Knox indicated that he had been in communication with Ms. Stapleford, City Solicitor, and that he and his client are aware of the Application for Transfer procedure and the requirement that a public hearing be held.

Upon motion by Mr. Lewis and second by Mr. Fraser, Council members voted unanimously to set a public hearing regarding the Application for Transfer of a Liquor License for 7:30 PM on March 21, 2016.

**RESIDENTIAL USES IN C-1 COMMERCIAL DISTRICT**

Mayor Cashman noted that it has come to Council's attention that an individual has established a residence within the basement of a property located within the C-1 Commercial Zoning District.

During discussion, it was stated that C-1 regulations provide for residential use above the first floor only and; therefore, the basement dwelling is prohibited. Mrs. Freenock noted that the basement of the subject property was, at one time, used as the locker room for a fitness center, which is a commercial use. City records indicate that in 2007 the present owner came to the City to seek permits to convert the basement area for residential use and, following receipt of information regarding the requirements to do so, did not follow through with the permit process. She further stated that the City is not in possession of evidence to suggest that the residential occupancy pre-dated 2007 and, therefore, the property would be subject to the regulations within the Uniform Construction Code. In response to Mr. Zavinski's question, it was stated that the City is aware of no other basement residences within the C-1 Commercial District.

Mr. Cashman made the motion to send that ordinance back to the Planning Commission asking them to do a complete review and come back to Council within sixty days ~~and also instruct the City Code Official to forestall any action until Council receives a reply from the Planning Commission.~~ Mr. Lewis seconded the motion. In response to Mr. Fraser's question regarding the scope of the Planning Commission review, Mr. Cashman stated that his motion refers to the paragraph regarding above-the-first-floor residential occupancy in the C-1 Commercial District. Following discussion as noted below, Mr. Cashman withdrew a portion of his motion and Mr. Lewis concurred. The motion, with portion withdrawn, carried unanimously.

Mrs. Freenock questioned whether it is within the purview of Council to stay an action following the initiation of enforcement action. She noted that the Zoning Administrator made a determination and a letter was sent to the property owner. She suggested that it would now be a matter to go before the Zoning Hearing Board should the owner wish to appeal the Zoning Administrator's determination.

Ms. Stapleford opined that there are two separate processes to be considered: (1) Referral to the Planning Commission for review, which Council may do, and (2) If a letter has already been sent advising someone that they are in violation, then that is a separate process that has to go to the Zoning Hearing Board.

### **REVIEW OF MUNICIPAL FEES**

Mr. Lewis made the motion to review the charges, particularly those approved in December (2015), particularly the \$500 fee (*Zoning Hearing Board Appeal*), and asking that fee to be waived until Council has a chance to review that. Mr. Kolcharno seconded the motion. The motion carried with six votes in the affirmative and one nay vote cast by Mr. Fraser.

### **DEPARTMENT REPORTS – JANUARY, 2016**

The following reports were presented for Council's review:

- Police Department
- Fire Department
- Department of Public Works
- Building Codes Department
- Finance Department (quarterly report)

### **MISCELLANEOUS**

Mrs. Freenock announced that there will be a meeting in Council Chambers on Wednesday, March 2 for the purpose of providing property owners within the Liberty Street Streetscape Project area with project updates and to allow them to provide comment.

Mrs. Freenock announced the initiation of "Coffee Klatches" as a means of public outreach to educate the public on City operations. It is anticipated that all members of City Staff will attend with one Department being highlighted at each meeting.

### **APPROVED MINUTES OF BOARDS AND COMMISSIONS**

Council acknowledged receipt of the following approved minutes:

- |                            |   |                   |                 |
|----------------------------|---|-------------------|-----------------|
| Planning Commission        | – | October 21, 2015  | Regular Meeting |
| Street Landscape Committee | – | November 24, 2015 | Regular Meeting |

### **ADJOURNMENT**

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