

**WARREN CITY COUNCIL
REGULAR MEETING
FEBRUARY 18, 2019 – 7:00 PM**

OPENING OF MEETING

Mayor Cashman presided over the February 18, 2019 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, Paul Giannini, Philip Gilbert, Richard Kolcharno, John Lewis, James A. Zavinski, Sr., and Junior Council Member Lily Striker. Members of City Staff present were Nancy Freenock, City Manager; Brandon Deppen, Chief of Police; David Hildebrand, Planner/Development Administrator; Michael Holtz, DPW Director; Teena Leary, Assistant City Clerk; Sam Pascuzzi, Fire Chief; Donna Risinger, Finance Officer; Terry Williams, Director of Codes, Permits, and Recreation Services; and Chad Yurismic, City Engineer. Andrea Stapleford, City Solicitor, participated via conference call.

APPROVAL OF MINUTES

Upon motion by Mr. Zavinski and second by Mr. Gilbert, the minutes of the January 21, 2019 Regular Meeting were unanimously approved.

Upon motion by Mr. Zavinski and second by Mr. Gilbert, the minutes of the February 11, 2019 Special Meeting were unanimously approved.

RECOGNITION OF VISITORS

Mayor Cashman welcomed all visitors. Present were:

Pam Lewis	Allen Sowers	Pauline Steinmeyer
Steve Blue	Doug Hearn	Dale Clark
Alex Phillips	David Wortman	Randal Gustafson
John Larson	Todd Boston	Virginia Greenwald
Cheryl Miles	Frankie Zavinski	Christian Zavinski
Bill Thompson	Leslie Stewart	Scott Stewart
Barb Lucia	Bob Willman	Alex Willman
Andrew Hyman, Erie News Now		
Josh Cotton, Times Observer Reporter		

CORRESPONDENCE

There was no correspondence to come before Council.

MOTION TO RESCIND RESOLUTION NO. 3080: ROUNDABOUT

Mr. Lewis made a motion to rescind Resolution No. 3080 of November 19, 2018, selecting the roundabout option for the intersection of Pennsylvania Avenue West and Market Street. The motion was seconded by Mr. Zavinski. (*See vote below.*)

Mr. Lewis distributed materials and made statements to Council members including: City of Warren Planning Commission minutes reflecting the Commission's vote to recommend that an improved signalized intersection be approved by Council; information regarding roundabouts in the states of New Jersey and Minnesota; restated his belief that a signalized intersection would provide greater efficiencies; stated that he resides near the intersection and witnesses school-aged children crossing the streets on a daily basis in addition to fitness walkers and runners; and stated that he believes that

historical data supports a signalized intersection and asked that Council consider safety and the recommendations of experts.

David Wortman, United Refining Company Vice-President of Supply and Transportation, addressed Council and stated that United Refining Company and all of its carriers (fuel trucks) are strongly opposed to construction of a roundabout. He stated that their opposition is driven by safety concerns for the pedestrians and the motoring public. He asked that Council consider the risk factors involved in a roundabout versus a signalized intersection which has a proven safety record at this intersection. He also asked that Council give credence to the recommendations made by professional drivers and those involved in the transportation industry.

Bob Willman stated that he resides on Water Street and further stated that his daughter is blind and cannot safely cross streets at non-signalized intersections. He indicated that installation of a roundabout will significantly impact the ability of visually impaired pedestrians to independently move about the area of the intersection.

Cheryl Miles stated her concerns for the safety of disabled and elderly individuals in crossing streets in the vicinity of the intersection. She asked that Council consider the statements made by United Refining Company representatives.

Pauline Steinmeyer stated that in speaking with “people on the streets” and reading letters to the editor in the Times Observer, she has only encountered one individual in favor of a roundabout. She asked that Council consider the recommendations made by City Staff in support of a signalized intersection and asked that Council also consider their duty, as elected officials, to listen to the public and to act in its best interest.

Mr. Giannini noted that he has not heard anyone state that traffic lights don't work; however, the same is not true of roundabouts. He opined that the City is a matter of statistics to PennDOT and it is up to Council to determine what is best for the City.

Mayor Cashman stated that he believes that it will not be an issue for large trucks to maneuver a roundabout and that he is not aware of tank truck rollovers in a roundabout. He further stated that he does not believe that potential roundabout concerns expressed by those addressing Council will occur.

Mr. Lewis' motion (*above*) was defeated with three affirmative votes cast by Mr. Lewis, Mr. Giannini, and Mr. Zavinski and four nay votes cast by Mr. Fraser, Mr. Gilbert, Mr. Kolcharno, and Mayor Cashman.

AGREEMENT: WARREN CO. SCHOOL DISTRICT BETTS PARK TENNIS COURTS LEASE

Mrs. Williams noted that the City and the Warren County School District have entered into prior agreements for the District's use of the Clifford R. Betts Park Tennis Courts. This use of the courts is for Warren Tennis Team practices and matches. The District requested that the City enter into a new agreement which provides for the District's use of the Courts during academic years 2018-2019 through 2020-2021.

Upon motion by Mr. Kolcharno and second by Mr. Fraser, the Betts Park Tennis Courts Lease Agreement between the City and the Warren County School District for the academic years 2018-2019 through 2020-2021 was unanimously approved.

CRESCENT PARK CORRECTION DEED

Mr. Hildebrand stated that the Pennsylvania Department of Conservation and Natural Resources (DCNR) requested that the City approve certain modifications to the City's deeds regarding lands at Crescent Park. It is necessary that the modifications be made prior to the City proceeding with the Crescent Park Improvement Project.

1. DCNR requires that the City record the Crescent Park deeds with added language reflecting the use of Land and Water Conservation Funds (LWCF) that the City received for improvements to the park trail in 1989. The LWCF language provides for restrictions regarding non-recreational use of the site. If any future non-recreational use of the land is considered, a process must be followed prior to the change in use.
2. A portion of Crescent Park resulted from the City's road right-of-way for the existing street. This area consists of residual lands from the original Richland Village Subdivision. DCNR requires that the area be more accurately described by including the proper metes and bounds in the deed.

Upon motion by Mr. Lewis and second by Mr. Fraser, Council members voted unanimously to approve the Crescent Park Correction Deed which incorporates two deeds into one, includes the appropriate Land and Water Conservation Funds language, and includes the metes and bounds.

PROPOSED ZONING ORDINANCE AMENDMENT: REVIEW AND PUBLIC HEARING DATE

Mr. Hildebrand stated that the Federal Communications Commission (FCC) adopted a Declaratory Ruling and Third Report and Order (Order) to reduce the local and state regulatory burdens on deployment of wireless facilities, including small cell networks.

The Order sets limits on local and state review of small cell applications, establishes presumptively reasonable limits for small cell applications and related fees, and holds that excessive or unreasonable local and state fees and charges associated with small cell wireless facility deployment are preempted by Federal law.

In accordance with the Order it is necessary to amend Section 470-49.1 of the Code of the City of Warren as it pertains to small wireless communications facilities. Prior to enactment of any ordinance which would amend the Zoning Ordinance, it is required that the City of Warren Planning Commission review the proposed regulations and provide any recommendations they may have. It is also required that Council hold a Public Hearing regarding the proposed regulations.

Mr. Fraser made the motion to refer the proposed Zoning Ordinance Amendment to the Planning Commission for its final review and recommendations and to establish March 18, 2019 at 7:00 PM as the date and time for a public hearing regarding the proposed ordinance. The motion was seconded by Mr. Gilbert and carried unanimously.

DEPARTMENT REPORTS – JANUARY, 2019

The following reports were presented for Council's review:

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

APPROVED MINUTES OF BOARDS AND COMMISSIONS

Council acknowledged receipt of the following approved minutes:

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|---------------------------------|--------------------|-----------------|
| Parks and Recreation Commission | – August 7, 2018 | Regular Meeting |
| Planning Commission | – November 7, 2018 | Regular Meeting |
| Redevelopment Authority | – October 17, 2018 | Regular Meeting |
| BPRC Index of Properties | – January 16, 2019 | |
| RDA Index of Properties | – January 16, 2019 | |

ADJOURNMENT

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