

**WARREN CITY COUNCIL
REGULAR MEETING
MARCH 19, 2012 – 7:30 PM**

OPENING OF REGULAR MEETING

Mayor Mark Phillips presided over the March 19, 2012 regular meeting of Warren City Council in Council Chambers of the Municipal Building and opened the meeting with the Pledge of Allegiance. Mayor Phillips stated that Council met in executive session on February 27, 2012 in regard to pending/possible litigation relative to the Downtown Streetscape Project and GRO-Warren.

ROLL CALL

Members present and responding to roll call were: Mayor Phillips, Mr. Cashman, Dr. Ferguson, Mr. Harvey, Mr. Lewis, Mr. Park, Mr. Zavinski, and Jacob Park, Junior Council Member. Mr. Nelles, Mr. Gustafson, Mr. Hildebrand, Mr. Holtz, Mrs. Leary, Mr. Sceiford, Ms. Stapleford, and Chief Zydonic of City staff were also in attendance.

RECOGNITION OF SERVICE TO THE CITY

The following individuals were present and were called forward by Mayor Phillips to receive a commemorative plaque in recognition of their service to the respective board or commission:

- Adele Tranter – Street Landscape Committee, December 1996 - December 2011
- Josephine Gerardi – Street Landscape Committee, December 2005 – August 2011
- Karen Kolos – Parks and Recreation Commission, March 1996 – December 2011
- David Sobina – Planning Commission, November 2003 – February 2012

The following individuals were unable to attend the meeting – arrangements will be made for delivery of the commemorative items:

- Scott Pascuzzi – City Council member, January 2004 – December 2011
- Michael Reinke – Department of Public Works, January 1983 – December 2011
- Gretchen Winans – Street Landscape Committee, December 1996 – December 2011
- Molly Loughlin – Street Landscape Committee, November 2007 – December 2011
- Julie Simmons – Parks and Recreation Commission, November 2005 – October 2011
- Nancy Rossman – Parks and Recreation Commission, October 1998 – December 2011
- Scott Baxter – Parks and Recreation Commission, March 2010 – February 2012
- Richard Seager – Warren Convention Center Authority, August 2008 – December 2012

APPROVAL OF MINUTES

Upon motion by Mr. Zavinski and second by Mr. Cashman, the minutes of the February 20, 2012 Regular Meeting were unanimously approved.

RECOGNITION OF VISITORS

Mayor Phillips welcomed all visitors. Present were:

- Christina Fitch – Special Event Request
- Josie Gerardi – Recognition of Service: Street Landscape Committee
- Adele Tranter – Recognition of Service: Street Landscape Committee
- Karen Kolos – Recognition of Service: Parks and Recreation Commission
- David Sobina – Recognition of Service: Planning Commission
- Lenny Gray – Russell Street
- Rebecca Swanson – Observing as part of a school assignment
- Dan Ristau – Warren Main Street
- Barbara Lucia – West Side Alliance (arrived during the meeting)
- Josh Cotton – Times Observer reporter

CORRESPONDENCE

There was no correspondence to come before Council.

DEPARTMENT REPORTS – FEBRUARY, 2012

The following reports were presented to Council:

- Police Department – Presented by Chief Zydonik
- Fire Department – Presented by Mr. Nelles
- Department of Public Works – Presented by Michael Holtz
- Building Codes Department – Presented by Alan Gustafson

During the DPW report, Mr. Harvey reported that he has received concerns regarding pedestrian safety at the intersection of Pennsylvania Avenue and Liberty Street. Mr. Holtz indicated that he will investigate options to increase pedestrian safety. Mr. Lewis referenced this intersection and stated that he believes there is a concern regarding the visibility of the STOP sign for westbound traffic on Pennsylvania Avenue.

Mr. Holtz reported that PennDOT indicated that the City may change lane designations so that opposing traffic lanes will “match” at the intersection of Fifth Avenue and Market Street (i.e. Fifth Avenue westbound traffic is currently divided into left turn/straight and right turn only lanes while eastbound traffic is divided into left turn only and straight/right turn lanes). However, the City would be responsible for all costs including new signage, lane markings, and advance warning signs regarding new traffic patterns.

In response to Mr. Lewis’ question regarding the status of the City’s request to PennDOT regarding the intersection of Pennsylvania Avenue and Market Street (see also 2/20/12 Council minutes), Chief Zydonik stated that PennDOT representatives advised him that the current traffic signal carries a “Protected Prohibited” permit. The PennDOT representative also stated that this is the preferred type of signalization, particularly in consideration of visibility issues related to the configuration of the intersection. Should the City choose to pursue a change in the type of signal permit, the City would be responsible for all associated costs which are estimated at \$100,000.

REQUESTS FOR USE OF CITY STREETS/PROPERTY

Mr. Nelles presented the following requests:

<u>Organization</u>	<u>Event</u>	<u>Property/Street(s)</u>	<u>Date/Time</u>
a. Warren Co. YMCA	YMCA 10K & 5K Run	Out & Back: Lexington, Conewango, Third., Water. to Bike Trail	Sat. 6/16/12 9:00 AM to 11:00 AM
Motion to approve made by Mr. Cashman, second by Dr. Ferguson, approved unanimously.			
b. Warren Co. YMCA	Kinzua Country Tango	Lexington, PA Ave., Hemlock Point Park	Sat., 8/04/12 7:00 AM to 10:00 PM
Motion to approve made by Dr. Ferguson, second by Mr. Lewis, approved unanimously.			
c. Warren Co. YMCA	SuperKwik Challenge Half Marathon	Hemlock, PA Ave., Parker, Lexington, Carver	Sat. 10/13/12 9:00 AM to 12:30 PM
Motion to approve made by Mr. Lewis, second by Mr. Harvey, approved unanimously.			

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| d. | Experience, Inc. | "In Our Prime" 5K | Betts Walking Trail | Sat. 9/15/12
7:30 AM to 3:00 PM |
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Motion to approve made by Mr. Park, second by Mr. Lewis, approved unanimously.

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| e. | Warren County Victim Impact Panel | Warren County VIP Memorial 5K | Fourth & Fifth Avenues | Sat. 9/22/12
10:00 AM to Noon |
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Motion to approve made by Mr. Lewis, second by Mr. Cashman, approved unanimously.

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| f. | Northwest Savings Bank | Juvenile Diabetes Bike-a-Thon | Betts Park – western portion
Ludlow, Sill, Levee,
Morrison, 4 th Ave., Hickory,
Crescent Park Drive,
Wayne, Main Ave. (to Rt. 6) | Sat., 9/22/12
Noon to 5:00 PM |
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Motion to approve made by Mr. Cashman, second by Mr. Lewis, approved unanimously.

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| g. | St. Joseph Church
Trinity Memorial
Episcopal Church | Annual Blessing of the Palms | Gen. Joseph Warren Park
Third Ave: Poplar to PA Ave
Poplar: PA Ave to Third Ave
Hazel at Third Ave | Sun., 4/01/12
9:00 AM to 11:00 AM |
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Motion to approve made by Mr. Lewis, second by Mr. Cashman, approved unanimously.

Council members briefly discussed their concern regarding the need to ensure that the fees charged in regard to special events match the expenses incurred by the City. Mr. Nelles suggested that this matter be addressed during preparation of the 2013 Municipal Budget.

APPOINTMENT TO PARKS AND RECREATION COMMISSION

Upon motion by Mr. Cashman and second by Dr. Ferguson, Council members voted unanimously to appoint Newkirk "Kirk" Johnson to the Parks and Recreation Commission. He will fulfill a term which expires on December 31, 2014.

MEMORANDUM OF UNDERSTANDING: I.B.E.W. LOCAL NO. 459 (DPW)

Mr. Nelles reported that the City's Bargaining Committee (Councilman Park; Donna Risinger, Finance Officer; and Mr. Nelles) has successfully negotiated a contract with the I.B.E.W. Local No. 459 for the contract period beginning January 1, 2012 and ending December 31, 2014. The contract has been ratified by the union.

Mr. Zavinski made the motion to accept the Memorandum of Understanding with I.B.E.W. Local No. 459 for the contract period January 1, 2012 through December 31, 2014. The motion was seconded by Mr. Lewis and carried unanimously.

ORDINANCE NO. 1812: ESTABLISHING MANDATORY EMPLOYEE CONTRIBUTIONS TO THE MUNICIPAL EMPLOYEE PENSION PLAN

Mrs. Risinger noted that previously the Municipal Employee Pension Plan was funded at a level which allowed it to remain actuarially sound without payroll contributions from its participants. However, recent actuarial studies indicate that it is now necessary to establish mandatory employee contributions so as to retain the Plan's solvency. An ordinance setting the mandatory employee contribution by participants in the Municipal Employee Pension Plan at a rate of two percent of their base salary was prepared for Council's consideration. The two percent rate is in accord with the I.B.E.W. Local 459 Memorandum of Understanding and, historically, non-bargaining employee benefits have followed in line with the I.B.E.W. contract.

Mr. Lewis made the motion to approve the ordinance establishing mandatory employee contributions to the Municipal Employee Pension Plan. The motion was seconded by Mr. Harvey and carried unanimously.

RESOLUTION NO. 2885 – AUTHORIZING THE PICK UP OF EMPLOYEE CONTRIBUTIONS TO THE MUNICIPAL EMPLOYEE PENSION PLAN

Mrs. Risinger stated that the Internal Revenue Code of 1986 permits a local government sponsoring a governmental pension plan to “pick up” mandatory employee contributions to that plan. Any such picked up contributions are treated as employer contributions for purposes of computing federal income taxation of affected employees. Participants in the City Police and Firefighters Pension Plans currently contribute to their respective plans on a pre-tax basis.

Mr. Lewis made the motion to adopt the resolution authorizing City officers to establish and implement a Section 414(h) pick up program for mandatory contributions to the Municipal Employee Pension Plan. The motion was seconded by Mr. Zavinski and carried unanimously.

AWARD OF CONTRACTS FOR CONTRACTED IMPROVEMENTS 2012-2014

Mr. Holtz stated that in accord with the 2012 Operational Plan, the City advertised for and received bids for contracted services, as outlined in the Alternative Service Delivery System. This system allows the Department to secure certain skilled services, to more effectively and efficiently complete selected minor projects including municipal sidewalk replacement, storm inlet (catch basin)/manhole installation, sewer installation, and concrete/brick street repairs.

Upon Mr. Cashman’s motion and Mr. Park’ second, Council voted unanimously to award the following contracts:

- Bid Tab Item No. 1 and Item No. 2 (plastic sewer piping) to Tom White Excavating
- Bid Tab Item No. 6 (cement/concrete curbing) to John Anderson Construction
- Bid Tab Item No. 11 (tree removal) to Covey Tree
- Bid Tab Item No. 8 (installation of concrete sidewalks/streets)
Bid Tab Item No. 9 (rehabilitation of brick streets)
Bid Tab Item No. 10 and No. 12 (2-man bucket truck and stump removal) to Curtis Contracting
- Bid Tab Item No.’s 3, 4, 5, and 7 (install storm inlets & manholes, cement concrete gutter, sidewalk handicap ramps) to Innovative Construction

CONTRACTED STREET OPENING AND PAVEMENT CUT RESTORATIONS

Upon motion by Mr. Park and second by Mr. Lewis, Council voted unanimously to award the 2012 contract for the restoration of street openings and pavement cuts to Huber Blacktop at the rate of \$5.97 per square foot.

CONTRACTED RESTROOM AND GARBAGE MAINTENANCE 2012-2013

Mr. Holtz reported that in accord with the 2012 Operational Plan, bids were received for restroom and garbage maintenance, as outlined in the Alternative Service Delivery System. He noted that in prior years the City has performed this work using various contractors and further noted that it was thought that placing the work out for bid may result in reduced costs. Upon review it was determined that the bid rates far exceed costs from previous years. Mr. Holtz indicated that it was recommended that all bids be rejected and stated that City staff will investigate other options for obtaining these services.

Mr. Cashman made the motion to reject all bids received for contracted restroom and garbage maintenance for 2012-2013. The motion was seconded by Mr. Zavinski and carried unanimously.

DISPOSITION OF SURPLUS PROPERTY

Mr. Nelles stated that Council periodically authorizes the disposition of supplies, materials, and equipment that are no longer suitable or necessary for City operations. Upon motion by Mr. Zavinski and second by Mr. Park, Council unanimously approved the disposition of the following items in a manner permitted by City Code:

1. Sewer rodder (1)
2. 1.5 cy salt spreader (1)
3. 3-point hitch leaf blower (1)
4. Skill hand saws (approx. 1960's) (2)
5. Jointer (1)
6. Backhoe attachment for a Case Uniloader (1)
7. 3/4" sewer reel hose – approx. 200' long
8. Sewer push camera for sanitary sewers (1)
9. Pull behind grass catcher (1)
10. Spare tire & wheel from a 62B Front Loader (1)
11. Upright school-style lockers (3)
12. 15' Mohawk canoe (1)
13. 18 unclaimed bikes recovered by the PD
14. 1998 Dodge Ram pickup, V-6 (1)
15. 1998 Chrysler Sebring: impounded vehicle – title signed over in lieu of monies owed for towing & storage
16. 2002 Ford Escape: impounded vehicle – title signed over in lieu of monies owed for towing & storage
17. Police Car Dividers (4)

RESOLUTION NO. 2866: APPLICATION FOR 2012 COUNTY LIQUID FUELS ALLOCATION

Mr. Holtz stated that each year it is necessary to apply for the County Liquid Fuels Tax Allocation. The City's allocation for 2012 has been established at \$151,377.

Mr. Lewis made the motion to adopt the resolution authorizing the City's application for the 2012 County Liquid Fuels Allocation. The motion was seconded by Mr. Harvey and carried unanimously.

ORDINANCE NO. 1813: REPEALING ORDINANCE NO. 1793 – ELECTRIC AGGREGATION

Mr. Nelles stated that at their October 18, 2010 regular meeting, City Council members voted unanimously to approve Ordinance No. 1793. This ordinance authorized all actions necessary to establish a Municipal Energy Aggregation Program for the municipal aggregation of electric generation supply to certain consumers of electricity within the borders of the City of Warren. This measure would have permitted the City to enter into an agreement whereby residents would have been automatically enrolled in an electric aggregation program for provision of electric service at a reduced rate. Any resident not wishing to participate would have had the ability to "opt out."

The Pennsylvania Public Utility Commission (PUC) has since ruled that the establishment of such programs is not permissible. There have been no recent efforts by First Energy Solutions, the proposed electric supplier, to re-establish a program that would meet with the PUC's approval and it is anticipated that any future proposal would be substantially different than that previously approved by Council.

Mr. Lewis made the motion to adopt the ordinance repealing Ordinance No. 1793 in its entirety. The motion was seconded by Mr. Cashman and carried unanimously.

PROPOSED RIGHT-OF-WAY AGREEMENT: ZITO MEDIA, LP UTILITY POLE INSTALLATION

Mr. Holtz stated that Todd McManus, from Zito Media, L.P., Coudersport, PA, requested a Right-of-Way Agreement from the City to install a utility pole on the 100 block of Main Avenue. The utility pole would be approximately 10 inches in diameter and 25 feet tall and would be used to provide internet service to a physician's office located at 114 Main Avenue. The pole would also be used in conjunction with Zito Media's overall contract with Warren General Hospital to provide service to the hospital and to various doctors' offices throughout the South Side. Mr. McManus had indicated that he would be present for this meeting.

Mr. Cashman made the motion to approve the right-of-way agreement between the City and Zito Media, L.P. for installation of a utility pole in the 100 block of Main Avenue. The motion was seconded by Dr. Ferguson.

During discussion, Council members raised several questions which could not be answered by City staff. In consideration of the absence of Zito Media, L.P. representation, Mr. Cashman made the motion to table the matter of the right-of-way agreement until a representative of Zito Media is present. The motion was seconded by Mr. Park and carried unanimously.

ALLEGHENY CENTER FOR THE ARTS BUILDING

Dr. Ferguson reported that on March 9 he, Mr. Cashman, and Mr. Park met with James Schreiber of Eriez Construction and Julia Tarr and Dan Ristau of Warren Main Street regarding the status of the Allegheny Center for the Arts Anchor Building. The participants discussed short- and long-term objectives for the building. Dr. Ferguson stated that the fiberboard enclosure currently in place conceals a scaffold and also serves to protect semi-finished window and door openings. Mr. Schreiber indicated that Sterling Glass, subcontractor on the project, prepared, but did not install, the window glass prior to the project shutdown. According to a Sterling Glass representative, the glass is currently housed in their warehouse. Mr. Ristau stated that he is the property manager for the building and indicated that he would provide access to Sterling Glass should they require any additional measurements. Dr. Ferguson stated that James Schreiber indicated his willingness to send a crew to remove the scaffolding if another entity will first disassemble it. With the enclosure and scaffolding removed it would then be necessary to either cover the windows with plywood or to have the windows installed. Mr. Ristau indicated that placement of plywood would be at an estimated cost of \$3000 to \$4000. Mr. Park noted concerns that placement of plywood might potentially damage finish work that has already been completed on the window openings as well as façade work completed/in progress. It was reported that Mr. Schreiber also noted the need to "button up" the roof of the building.

Dr. Ferguson stated that he attended a meeting of the Redevelopment Authority at which he discussed the potential for the Authority to participate in the furtherance of this project. He noted that the RDA was the conduit for the Anchor Building Grant-to-Loan funding received from the State and further noted that the RDA is an autonomous authority and, as such, may make independent financial decisions.

Mr. Ristau addressed Council and stated that he will be sending correspondence in regard to Council's responses to questions posed by Warren Main Street (see 2/20/12 Council minutes). He stated that GRO-Warren (a 501(c)3 organization) and Warren Main Street (a 501(c)4 organization) are two separate entities and there is not a bank resolution giving authority for GRO-Warren to write Main Street checks. He further stated that bank accounts "somehow became co-mingled." Mr. Ristau indicated that he was recently given "a large stack of papers regarding GRO-Warren" and stated that he will make a presentation regarding such at the next Council meeting.

Mr. Ristau thanked the Council committee of Mr. Cashman, Dr. Ferguson, and Mr. Park for their efforts in seeking a resolution to the circumstances surrounding the Allegheny Center for the Arts Building.

APPROVED MINUTES OF BOARDS AND COMMISSIONS

Council acknowledged receipt of the following approved minutes:

Street Landscape Committee – November 22, 2011 Regular Meeting

ADJOURNMENT

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