

**WARREN CITY COUNCIL
PUBLIC HEARING AND REGULAR MEETING
MARCH 21, 2016 – 7:30 PM**

PUBLIC HEARING

Mayor Cashman opened the Public Hearing regarding the Tops PT, LLC application to transfer Liquor License No. 17736 from Brokenstraw Township into the City of Warren. There being no citizens present who wished to provide comment, Mayor Cashman closed the Public Hearing. A stenographic record of the Public Hearing was taken by Jackie Sherwood, Stenographer.

OPENING OF MEETING

Mayor Cashman presided over the March 21, 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 stated that City Council met in Executive Session immediately prior to this meeting for discussion of litigation between the City and Kim Backstrom. Also discussed was the City's intent to file an appeal with the Court of Common Pleas in response to an Office of Open Records Final Determination regarding a Right to Know Request filed by Jory Giger.

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. Mr. Hildebrand, Mr. Holtz, Mrs. Leary, Ms. Nau, Chief Pascuzzi, Mrs. Risinger, Mr. Sceiford, Captain Zavinski, Ms. Stapleford, and Sgt. Sproveri, of City staff were also in attendance.

APPROVAL OF MINUTES

Upon motion by Mr. Lewis and second by Mr. Kolcharno, the minutes of the, February 15, 2016 Regular Meeting were unanimously approved by Council members present.

RECOGNITION OF VISITORS

Mayor Cashman welcomed all visitors. Present were:

- Julia Tarr: Downtown business owner regarding parking
- Dan Ristau: Downtown business owner regarding parking
- Gregory Burkett: Regarding the Property Maintenance Code
- John Blanks: Regarding sidewalks
- Atty. John Knox: Representing Tops PT, LLC
- Chris Watson: Representing Tops PT, LLC
- Jackie Sherwood: Stenographer
- Josh Cotton: Times Observer Reporter

Dan Ristau expressed his concerns regarding the Downtown Parking Plan, most specifically the amount of the fine charged for violations. Mr. Ristau opined that the \$15 fine deters people from patronizing downtown businesses and requested that the fine be returned to \$10.

Julia Tarr also addressed Council and requested that fines for parking violations be reduced.

CORRESPONDENCE

There was no correspondence to come before Council.

RESOLUTION NO. 3001: TOPS PT, LLC REQUEST FOR TRANSFER OF A LIQUOR LICENSE

Ms. Nau stated that the City received application materials from Tops, PT, LLC, regarding its request for a City resolution in support of an application to the Pennsylvania Liquor Control Board for the transfer of an existing Liquor License (No. 17736) from Brokenstraw Township into the City of Warren.

In accord with guidelines for the transfer of an existing liquor license between municipalities located within the same county, the City held a public hearing prior to this meeting. Council's decision, either approving or disapproving the application, must be stated in a resolution.

The criteria to be considered in accord with guidelines established by action of City Council in April, 2001 were provided for Council's reference.

Chris Watson, representing Tops PT, LLC, indicated that there will be designated areas where patrons may eat food from the Deli or Express areas and consume purchased alcohol products. He further stated that employees in the designated areas will be trained to advise patrons of open container regulations and there will be appropriate signage. Mr. Watson noted that the Express area will be open limited hours and will not be open all hours that the full store is open.

Mr. Fraser made the motion to approve the resolution approving the Tops PT, LLC application to transfer a Liquor License into the City of Warren. The motion was seconded by Miss Davis and carried with five votes in the affirmative and two nay votes cast by Mr. Lewis and Mr. Kolcharno.

RESOLUTION NO. 3002: AFFIRMATION OF CONTRIBUTION TO TRANSIT AUTHORITY

Mrs. Risinger noted that the City's contribution to the Transit Authority of Warren County (TAWC) is utilized as matching funds in regard to State funding. As part of the State funding application, it is necessary for TAWC to submit a City resolution affirming the amount of the contributions as provided for in the 2016 Municipal Budget and further affirming that the contribution will be provided prior to the June 30, 2016 close of the State Fiscal Year.

Upon motion by Mr. Kolcharno and second by Mr. Lewis, Council voted unanimously to approve the resolution affirming the City's contribution to the Transit Authority of Warren County.

RESOLUTION NO. 3003: DCNR GRANT APPLICATION – LACY PARK

Mr. Hildebrand indicated that it is proposed that the City undertake a Lacy Park Rehabilitation Improvement Project which would include paving and lighting of the basketball court, ADA-compliant restroom building improvements, new drinking fountain, shuffleboard and ladderball courts, playground equipment, and ADA-compliant interior walkway/trail. The project cost is estimated to be \$300,000. The City will seek a Pennsylvania Department of Conservation and Natural Resources (DCNR) grant which would reimburse fifty percent (50%) of the cost.

Mr. Gilbert questioned whether other parks, such as Mulberry Park, were considered. Mr. Hildebrand responded that no major improvements have been made to Lacy Park since 1987 and noted that Lacy Park is one of the three active parks included in the Summer Playground Program. He further stated that DCNR grants become available each April and it is anticipated that Mulberry Park Improvements will be considered in future rounds of grant funding.

Mr. Lewis made the motion to approve the resolution approving an agreement with the Commonwealth of Pennsylvania regarding Department of Conservation and Natural Resources grant funding for the Lacy Park Rehabilitation Improvement Project. The motion was seconded by Mr. Zavinski and carried with six votes in the affirmative and one nay vote cast by Mr. Gilbert.

RESOLUTION NO. 3004: DISPOSITION OF NON-PERMANENT RECORDS

Ms. Nau indicated that the City previously declared, by resolution, its intent to follow the schedules and procedures for the disposition of non-permanent records as set forth in the Municipal Records Manual of the Pennsylvania Historical and Museum Commission. In accord with these guidelines, Council must acknowledge each disposition of records by separate resolution.

Upon motion by Mr. Kolcharno and second by Mr. Zavinski, Council members voted unanimously to approve the resolution providing for the disposition of specified non-permanent records.

ORDINANCE NO. 1866: 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE

Ms. Nau stated that the City previously adopted the 2003 International Property Maintenance Code (IPMC). The IPMC is updated triennially; however, the City has not adopted such updates. Training specific to the 2003 IPMC is no longer available and land (property) management software does not support the 2003 edition of the IPMC.

Ms. Nau noted that members of the Building Codes Department recently attended training specific to the 2012 IPMC and the firm which provides the software utilized by the Department holds a license for use of the 2012 IPMC. Use of this software provides for a comprehensive data base regarding properties within the City and enhances the efficiency of the Department. Additionally, the 2012 IPMC is more reflective of current trends and conditions concerning property maintenance matters. Therefore, it was requested that Council adopt the 2012 IPMC as the Property Maintenance Code for the City of Warren.

Gregory Burkett, owner of 225-227 Liberty Street stated that he is opposed to the International Property Maintenance Code and described difficulties he encountered in obtaining construction permits relative to his property. Ms. Nau indicated that the items described are requirements of the Uniform Construction Code (UCC) and do not pertain to the IPMC.

Following discussion, Mr. Fraser made the motion to adopt the ordinance establishing the 2012 International Property Maintenance Code as the City of Warren Property Maintenance Code with the following amendments:

- Section 5.c: Insertion of the word “in”
- Section 5.l: “Section 602.3 insert [October 1st to May 15th]” to become Section 5.m
- Section 5.m: To become Section 5.n
- Section 6.a.: Line 4 – Strike “will” and replace with “may”
- Section 6.a.: Line 4 – Insert “and/” following “court system”
- Section 6.b.: Line 4 – Strike “will” and replace with “may”
- Section 6.b.: Line 5 – Insert “and/” following “court system”

The motion was seconded by Miss Davis and carried with five votes in the affirmative and two nay votes cast by Mr. Lewis and Mr. Kolcharno.

ORDINANCE NO. 1867: IMPLEMENTING PROVISIONS OF ACT 90

Ms. Nau stated that Act 90 of October 27, 2010, known as the Neighborhood Blight Reclamation and Revitalization Act, provides municipalities which implement its provisions with tools to effectively combat the continuance and spread of conditions of blight. Key provisions of Act 90 include the ability to deny the issuance of permits to individuals or entities owning other properties with serious code violations within the Commonwealth and the ability to lien the assets of a property owner(s) with serious code violations.

Mr. Fraser made the motion to approve the ordinance implementing the provisions of Act 90 (Neighborhood Blight Reclamation and Revitalization Act). The motion was seconded by Miss Davis and carried with five votes in the affirmative and two nay votes cast by Mr. Lewis and Mr. Kolcharno.

ORDINANCE NO. 1868: COST OF COLLECTIONS

Ms. Stapleford stated that the City incurs considerable expense in collecting delinquent assessments, charges, and other municipal claims. She further noted that it is not reasonable or equitable to burden all City residents and property owners with expenses resulting from those who do not pay their obligations in a timely manner. Therefore, it was proposed that the City adopt an ordinance providing for payment of the cost of collections by the individual or entity delinquent in the payment of charges.

Mr. Fraser made the motion to adopt the Cost of Collections ordinance with the following amendments:

- Section 2: Line 2 – Strike “shall” and replace with “may”
- Exhibit A: Item 14 – Move to Item 20
- Exhibit A: Item 19 – Move to Item 20
- Exhibit A: Item 20 – Replace “,” separators with “;”
- Renumber line items following above changes

The motion was seconded by Mr. Lewis and carried unanimously.

CONTRACTED IMPROVEMENTS 2016 – 2018

Mr. Holtz indicated that the City advertises for bids for various infrastructure improvements including municipal sidewalk replacement, storm inlet /manhole installation, sewer line installation, concrete/brick street repairs, concrete curb replacement, concrete gutter replacement and tree and stump removal. Mr. Holtz indicated that it is necessary to make changes to the bid documents in order to ensure more timely performance of services. Therefore, it was requested that Council reject all bids received.

Mr. Lewis made the motion to reject all Contracted Improvements bids received. The motion was seconded by Mr. Gilbert and carried with six votes in the affirmative and one nay vote cast by Mayor Cashman

COUNCIL MEMBER APPOINTMENTS:

Upon motion by Mr. Lewis and second by Mr. Kolcharno, the following appointments were made with six votes in the affirmative and one abstention by Mr. Fraser as he was a potential appointee:

- Mayoral appointment of Mr. Fraser to a 2-year term on the Police Pension Committee
- Appointment of Robert Kaemmerer to serve a 2-year term as a citizen representative on the Police Pension Committee
- Appointment of Robert Kaemmerer to serve a 2-year term as a citizen representative on the Firefighters Pension Committee
- Appointment of Elissa Davis to serve as Council Liaison to the Parks and Recreation Commission
- Appointment of Phil Gilbert to serve as Council Liaison to the Redevelopment Authority
- Appointment of James Zavinski to serve as Council Liaison to the Street Landscape Committee

DISCUSSION OF FEE RESOLUTION

Mayor Cashman stated that this discussion will be postponed until the next regular meeting so that Mrs. Freenock, City Manager, may be present and participate in the discussion.

DEPARTMENT REPORTS – FEBRUARY, 2016

The following reports were presented for Council’s review:

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

Mr. Holtz advised Council of Pennsylvania American Water Company’s (PAWC) plans to replace a 12-inch water main in the center of the roadway in the two-block section of Water Street located between Market Street and Pennsylvania Avenue. Mr. Holtz suggested that it may be advantageous to replace the brick street with asphalt pavement. He noted that the street opening permit fee for the PAWC project would cover a significant portion of the paving costs. Council asked that Mr. Holtz provide the estimated cost of the paving project at the April meeting.

MISCELLANEOUS

John Blanks addressed Council and stated that he is a sidewalk contractor. He inquired as to what residents should do when they receive a letter from the City regarding the condition of their sidewalk. He further inquired as to whether there is a means to “shave” tree roots which are causing blocks of a sidewalk to rise. Mayor Cashman noted that the Pridewalk program which provided materials for sidewalk replacement has been discontinued but may be reinstated in the future. Mr. Holtz stated that when tree roots are shaved, the tree begins to decline. Mr. Lewis inquired as to whether the City has equipment capable of grinding high edges on sidewalks. Mr. Holtz indicated that the City does not have such equipment; however, he can research what might be available.

APPROVED MINUTES OF BOARDS AND COMMISSIONS

Council acknowledged receipt of the following approved minutes:

- | | | | |
|---------------------------------|---|------------------|-----------------|
| Parks and Recreation Commission | – | December 1, 2015 | Regular Meeting |
| Street Landscape Committee | – | January 26, 2016 | Regular Meeting |

ADJOURNMENT

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