

**WARREN CITY COUNCIL
PUBLIC HEARING & REGULAR MEETING
APRIL 16, 2012 – 7:30 PM**

PUBLIC HEARING

Mayor Phillips opened the Public Hearing and stated that it was for the purpose of receiving public comment regarding a proposed Department of Community and Economic Development (DCED) funding application under the Small Communities Program (SCP). Mr. Hildebrand stated that the proposed application is for approximately \$300,000 of Federal Fiscal Year (FFY) 2012 Entitlement Funds. It is proposed that utilization of the FFY 2012 funds be under the Public Facilities Activity/Architectural Barrier Removal by constructing Americans with Disabilities (ADA) curb cuts at various City intersections. Funds would also be utilized under the Public/Community Facilities Activity for the elimination of slum and blight on an area basis within the designated downtown redevelopment area (Streetscape Project).

The referenced funds are available for community development activities which will benefit low- and moderate-income persons address slums or conditions of blight, or meet a community development need of particular urgency.

In accord with program guidelines, a public hearing was held at 9:00 AM on Friday, March 2, 2012(no public comment received) in addition to the present hearing being conducted.

There being no citizens present who wished to provide comment, the Public Hearing was closed.

OPENING OF MEETING

Mayor Mark A. Phillips presided over the April 16, 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 announced that Council met in executive session on April 11 regarding possible litigation pertaining to the Downtown Streetscape Revitalization Project and prior to this meeting regarding the City Manager's contract (this session was continued following adjournment of the regular meeting).

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, Mrs. Nau, Chief Pascuzzi, Mrs. Risinger, Mr. Sceiford, Ms. Stapleford, and Chief Zydonik of City staff were also in attendance.

RECOGNITION OF SERVICE

Mayor Phillips called retiring City Manager James C. Nelles forward to be recognized for his seven years of service to the City. On behalf of City Council, Mayor Phillips presented Mr. Nelles with an etched crystal mug in honor of his dedicated service to the City. Mr. Nelles expressed his thanks to City Council for the opportunity to serve the City and to City staff members for their cooperation and support during his tenure as City Manager.

RECOGNITION OF VISITORS

Mayor Phillips welcomed all visitors. Present were:

- Lenny Gray – observing
- Kimberly McClement – regarding the Fourth of July Parade Route
- Nicole McClement - regarding the Fourth of July Parade Route
- Janet Bishop - regarding the Fourth of July Parade Route

- Tom Glotz - regarding the Fourth of July Parade Route
- Stacy Spicer - regarding the Fourth of July Parade Route
- Phelina Turner - regarding the Fourth of July Parade Route
- Shannon Frailey - regarding the Fourth of July Parade Route
- Anthony Brown - regarding the Fourth of July Parade Route
- Joshua Campbell - regarding the Fourth of July Parade Route
- Amanda Ludwiszewski – observing
- Emily Whitaker – Leadership Warren County Project Group
- Chris Hobbs - Leadership Warren County Project Group
- Jamie Frederick - Leadership Warren County Project Group
- Dan Ristau – Warren Main Street
- Josh Cotton – Times Observer reporter

APPROVAL OF MINUTES

Upon motion by Mr. Cashman and second by Mr. Zavinski, the minutes of the March 19, 2012 Regular Meeting were unanimously approved.

CORRESPONDENCE

Council members acknowledged receipt of the following correspondence:

- Scott Baxter: Letter of thanks regarding a commemorative plaque presented to him in recognition of his service to the Parks and Recreation Commission
- Warren County Victim Impact Panel: Invitation to attend the Annual Victim Memorial Service on the front steps of the Warren County Courthouse, April 26, 2012, 6:00 PM.

DEPARTMENT REPORTS – MARCH, 2012

The following reports were presented to Council:

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

During the Police Department report, Mr. Park requested that Chief Zydonik research the possibility of placing a security camera in the Clark Street Parking Garage elevator. It was requested that information be provided at the May Council meeting.

WASHINGTON PARK LOOP TRAIL

Mr. Nelles reported that at the April 3, 2012, meeting of the Parks and Recreation Commission, members of the Leadership Warren County (LWC) class presented a proposal for development of a loop trail at Washington Park. Under the proposal, the LWC group will be responsible for securing funding and for development of the trail. Plans include the installation of trail benches, installation of a flag pole and solar lighting, and replacement of historic markers. Judith Wilson, member of the Parks and Recreation Commission noted that the Daughters of the American Revolution are currently researching the matter of replacing missing plaques and indicated that the DAR would work with the LWC project group. The Parks and Recreation Commission (presently five members) voted unanimously to recommend City Council's approval of this proposal.

LWC Project Group members Chris Hobbs, Jamie Frederick, and Emily Whitaker were present. In response to questions from Council members, Mr. Hobbs indicated that the group's plan is for enhancement of an existing pathway by way of clearing underbrush and small trees to provide a

“natural, rough trail.” He also indicated that, dependent on funding, the project may be completed in phases with Phase I to occur in 2012. The group will coordinate their efforts with an Eagle Scout candidate who will also be working on benches at Washington Park.

Upon motion by Mr. Lewis and second by Dr. Ferguson, Council members voted unanimously to approve the Leadership Warren Project Group’s proposal for development of a loop trail at Washington Park.

APPOINTMENTS TO COMMISSIONS

Upon motion by Dr. Ferguson and second by Mr. Cashman, Council members voted unanimously to appoint Mark Zavinski to fulfill a term on the Parks and Recreation Commission. This term will expire on December 31, 2015.

Upon motion by Dr. Ferguson and second by Mr. Cashman, Council members voted unanimously to appoint Gregory Fraser to fulfill a term on the Planning Commission. This term will expire on December 31, 2012.

RESOLUTION NO. 2887: AUTHORIZING APPLICATION FOR FFY 2012 COMMUNITY & ECONOMIC DEVELOPMENT (CDBG) FUNDING

(See Public Hearing, page 1)

Mr. Hildebrand stated that, as permitted under the program, \$25,000 of the allocation will be utilized in the Administration Activity. Of the remaining funds, seventy percent (\$192,500) will be allocated for Architectural Barrier Removal and thirty percent (\$82,500) will be allocated to Public/Community Facilities – Streetscape.

Mr. Cashman made the motion to approve the resolution authorizing the City application for FFY 2012 Community and Economic Development (CDBG) funding. The motion was seconded by Mr. Zavinski and carried unanimously.

DCNR AGREEMENT: BEATY PARK IMPROVEMENT PROJECT – PHASE 3

Mr. Hildebrand reported that the Pennsylvania Department of Conservation and Natural Resources (DCNR) approved the Beaty Park Improvement Project agreement with the City of Warren. This grant funding in the amount of \$77,000 will be utilized for the Beaty Park Improvement Project – Phase 3. The total estimated project cost is \$154,000.

PROPOSED POLICY: TENNIS COURT USE

Ms. Nau outlined current uses of City-owned tennis courts. She noted that the Warren County School District annually requests the use of municipal tennis courts at both Betts Park and Beaty Park and this has been granted via a license agreement with fees for such use being established in the City Fee Resolution. She further noted that it has been brought to the City’s attention that an individual has, for some time, been utilizing municipal tennis courts to provide for-profit tennis instruction. Otherwise, all municipal tennis courts are utilized by the general public on a first-come, first-served basis with the Betts Park courts receiving extensive use. Following completion of Phase 3 of the Beaty Park Improvement Project in which the Beaty tennis courts will be upgraded, it is anticipated that these courts will see a substantial increase in demand for use.

In an effort to ensure the equitable use of the courts by individuals and organizations and in compliance with the City Ordinance, a Municipal Tennis Court Use Policy and accompanying draft application for use were developed by City staff for Council’s consideration. Ms. Nau indicated that the draft of this policy was reviewed and approved by the Parks and Recreation Commission at their April 3, 2012 meeting. However, the Commission recommended any establishment and

implementation of associated use fees be postponed until 2013 in conjunction with the anticipated completion of Phase 3 of the Beaty Park Improvement Project.

During discussion, Council members noted that, with the exception of for-profit lessons, there do not seem to be current issues with the existing manner of use. Members expressed their desire to not over regulate the use of municipal tennis courts and questioned how regulations would be posted/provided as well as the manner in which visitors to the courts would be made of aware of the times the courts would be unavailable due to reservations.

Mr. Lewis made the motion to postpone discussion of this matter. The motion was seconded by Dr. Ferguson and carried with six votes in the affirmative and one negative vote cast by Mr. Cashman.

RESOLUTION NO. 2888: ESTABLISHING MUNICIPAL CLAIMS FEES

Ms. Stapleford stated that, from time to time, it becomes necessary for the City to utilize legal proceedings to recover the amount of unpaid wastewater (sewer) and other municipal charges. In so doing, the City incurs related expenses. Therefore, to provide the City with the authority to collect fees in compensation of incurred expenses, a resolution establishing Municipal Claim Fees and collection procedures was prepared for Council's review and consideration.

In response to questions from Council members, Ms. Stapleford stated that in instances where wastewater charges are in arrears for rental properties, the property owner is ultimately responsible for payment of all charges related to the delinquency.

Mr. Park made the motion to adopt the resolution establishing Municipal Claims Fees. The motion was seconded by Mr. Cashman.

Mr. Harvey moved to amend Mr. Park's motion by amending "Schedule A" to reflect an hourly rate rather than a flat fee for Items 5 and 6. Following further discussion, Mr. Harvey withdrew his motion.

Upon roll call vote, Mr. Park's motion was approved with six votes in the affirmative and one negative vote cast by Mr. Lewis.

CUMMINS CONSTRUCTION

Mr. Cashman made the motion to pay Cummins Construction an additional \$10,000 as its final payment to be consideration for Cummins Construction to sign off on the Streetscape Project and withdraw its complaint against the City. The motion was seconded by Dr. Ferguson and carried unanimously upon roll call vote.

Ms. Stapleford stated that one of the stipulations of the settlement agreement is that Cummins Construction withdraw the complaint it filed against the City with prejudice so that a future complaint could not be filed for the same charges.

DISPOSITION OF IMPOUNDED VEHICLE

Chief Zydonik noted that at the March 19 regular meeting Council authorized the disposition of supplies, materials, and equipment that are no longer suitable or necessary for City operations. Following that meeting, a 1999 Pontiac Grand Am SE came into the City's possession as a result of the owner of the towed/impounded vehicle signing over the title in lieu of towing and storage fees.

Upon motion by Mr. Cashman and second by Mr. Park, Council members voted unanimously to approve disposition of the stated vehicle.

RESOLUTION NO. 2889: AUTHORIZING APPLICATION FOR PENNVEST FUNDING AND LETTER OF RESPONSIBILITY

Mr. Sceiford reported that Hill Engineering and City staff are preparing application documents to be submitted to the Pennsylvania Infrastructure Investment Authority (PENNVEST). This application will be submitted in support of financial assistance to complete the design, permitting and construction of the DEP-approved improvements to the City's wastewater conveyance and treatment facilities. The PENNVEST Board normally considers funding applications throughout the State four times each year. The application cutoff dates for the second and third PENNVEST Board meetings in 2012 are May 18th and August 21st, respectively. Hill Engineering and City staff are working to complete the application package for submission for consideration at the May 18 meeting. If approved for funding, it is anticipated that the project would be put to bid in 2013, construction would begin in 2014, and completion would be in 2015.

As required by PENNVEST, a resolution authorizing submission of the application and a Letter of Responsibility were prepared for Council's consideration.

Upon motion by Mr. Lewis and second by Mr. Park, Council members voted unanimously to approve the resolution authorizing submission of the application for PENNVEST funding and the Letter of Responsibility.

AWARD OF 2012 CONCRETE BID

Mr. Holtz reported that the City received bids for the furnishing of an estimated 300 cubic yards of Class AA concrete to be used by the City's Department of Public Works in 2012. Two bids were received with the low bid being submitted by Little Lisa, Inc., dba Wayne Concrete, in the amount of \$97.50 per cubic yard. Mr. Holtz noted that, at first look, Jamestown Macadam's bid of \$97.00 would be the low bid, however, this company also assesses a \$20.00 fuel surcharge per load.

Upon motion by Mr. Park and second by Mr. Zavinski, Council members voted unanimously to approve award of the bid to Little Lisa, Inc. in the amount of \$97.50 per cubic yard.

AWARD OF OAK STREET IMPROVEMENT PROJECT BID

Mr. Sceiford reported that the City received bids for the Oak Street Improvement Project. The work on this project consists primarily of street paving, curbing, and sidewalk over a block length of Oak Street located between Pennsylvania and Lexington Avenues. This work is being financed with Community Development Block Grant Funds (CDBG). Four bids were received for this project with Lake Shore Paving of Jamestown, NY, submitting the apparent low bid. The bid cost received from Lake Shore Paving for all work on the Oak Street Improvement Project is \$239,715.00. John Anderson Construction Operating Services, Inc. of Warren submitted the second lowest bid in the amount of \$253,040. The City has previously worked with both of these firms. Mr. Sceiford stated that, based upon past performance with City projects, staff has no hesitation in recommending either Lake Shore Paving or John Anderson Construction Operating Services for the Oak Street Improvement Project. He further stated that City staff is currently reviewing information relating to MBE, WBE and Section 3 solicitations made and submitted with these bid packages. As necessary, staff will contact DCED to get clarification on how best to proceed with the award process.

Mr. Park made the motion to award the contract for the CDBG-funded Oak Street Improvement Project to the lowest responsive bidder as determined by City staff following review by the City

solicitor and in accord with Department of Community and Economic Development (DCED) guidelines. If neither of the two lowest bids are deemed responsive, all bids are to be rejected. The motion was seconded by Mr. Lewis and carried unanimously.

2012 FOURTH OF JULY PARADE ROUTE

Anthony Brown addressed Council and requested that the Fourth of July Parade route be returned to the 2011 route. He stated that he is a business owner and was present as the representative of fifteen businesses as well as 837 local residents who had signed a petition requesting that the parade originate at Carver Street. Tom Glotz indicated that Wally Post and Bill Thomson, Fourth of July Committee members, requested him to circulate the referenced petition.

Council members noted that they had received comments/concerns from United Refining Company regarding the impact the previously approved shortened route would have on their Kwik-Fill and Country Fair locations.

Chief Zydonik referenced the February 20, 2012 Council meeting and affirmed his support of Sgt. Deppen's statements as reflected in the minutes of that meeting date: "that extensive planning is required in order to accommodate traffic and safety concerns. He stated that the Department relies on the Warren County Fire Police for assistance in traffic control and noted that their membership has decreased. He stressed that a return to the extended parade route would require City Police officers to cover a significantly larger area and stated that he did not believe this would be in the best interest of the safety of parade onlookers and participants. Sgt. Deppen also stated that the shortened parade route will result in less preparation and cleanup by the Department of Public Works."

Mr. Harvey made the motion to amend the Fourth of July parade route to begin at Carver Street and proceed westward on Pennsylvania Avenue to Laurel Street. The motion was seconded by Mr. Lewis and carried unanimously.

CONVENTION CENTER PROJECT

Dan Ristau addressed Council and stated that he attended a recent meeting of the City of Warren Convention Center Authority. He expressed his concerns regarding the approaching deadline to begin drawdowns under funding awarded to the Authority and questioned the viability of the convention center project.

MAIN STREET: ANCHOR BUILDING PROJECT

Mr. Ristau indicated that on this date he received information from the State relative to the Department of Community and Economic Development (DCED) review of the Anchor Building Grant and expenditures made with grant funds. He indicated that Main Street anticipates bringing an offer forward regarding the building and suggested that difficult decisions will need to be made.

Dr. Ferguson reported that he, Mr. Park, and Mr. Cashman plan to meet with Mr. Ristau and Eriez Construction in an effort to bring this matter to a close. He indicated that they are working to arrange for the installation of windows (at a cost of \$4900 to \$5000), a door, close the roof, and seal leaking skylights on the Allegheny Center for the Arts Building (Anchor Building).

Mr. Nelles indicated that the DCED has requested additional documentation regarding the Anchor Building Grant. He further stated that the City produced all requested documents which were in its possession, however, some documents are held by Main Street and, to his knowledge, have not

been provided to DCED. Mr. Nelles stated that DCED has indicated that their review of expenditures may be expanded.

APPROVED MINUTES OF BOARDS AND COMMISSIONS

Council acknowledged receipt of the following approved minutes:

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|------------------------------------|---|--------------------|-----------------|
| Blighted Property Review Committee | – | December 1, 2011 | Regular Meeting |
| Parks and Recreation Commission | – | February 7, 2012 | Regular Meeting |
| Street Landscape Committee | – | February 28, 2012 | Regular Meeting |
| Warren Convention Center Authority | – | 2011 Annual Report | |

ADJOURNMENT

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