

**WARREN CITY COUNCIL  
REGULAR MEETING  
APRIL 18, 2016 – 7:30 PM**

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**OPENING OF MEETING**

Mayor Cashman presided over the April 18, 2016 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, Philip Gilbert, John Lewis, James A. Zavinski, Sr., and Janelle Balas, Junior Council Member. Richard Kolcharno arrived during the meeting and Elissa Davis was absent. Mrs. Freenock, Mr. Hildebrand, Mr. Holtz, Mrs. Leary, Ms. Nau, Chief Pascuzzi, Mrs. Risinger, Mr. Sceiford, Captain Zavinski, Ms. Stapleford, and Officer Bees of City staff were also in attendance.

**APPROVAL OF MINUTES**

Upon motion by Mr. Zavinski and second by Mr. Lewis, the minutes of the March 21, 2016 Regular Meeting were unanimously approved by Council members present (5).

**RECOGNITION OF VISITORS**

Mayor Cashman welcomed all visitors. Present were:

- Robert Dilks, Jr.: Regarding the Redevelopment Authority Strategic Plan
- David Cantrell: Regarding the Redevelopment Authority Strategic Plan
- Michael Boyd: Regarding the Redevelopment Authority Strategic Plan
- Ray Pring, Jr.: Regarding the Redevelopment Authority Strategic Plan
- Matt McDunn: Present as a requirement of a school project
- Gabe Hinton: Present as a requirement of a school project
- David Winans: Regarding Water Street
- Steve Sigmund: Leadership Warren County Project Presentation
- William Busoletti: Leadership Warren County Project Presentation
- Piper VanOrd: Leadership Warren County Project Presentation
- Taffi Skopinski: Leadership Warren County Project Presentation
- Mary Hagan Double: Leadership Warren County Project Presentation
- O’Ryan Double
- James Kingston: Regarding Cedar Street sidewalks
- Pauline Steinmeyer: Citizen observing
- Mike Roney: Citizen observing
- Michael Bero: Citizen observing
- Josh Cotton: Times Observer Reporter
- Kylie Fisher: Times Observer Reporter

**CEDAR STREET SIDEWALKS**

(See also 1/18/16 Council minutes)

James Kingston addressed Council regarding citations received by several Cedar Street property owners pertaining to sidewalk maintenance. He indicated that several of the owners have replaced their sidewalks. Mr. Kingston stated his opposition to the \$25 permit required for the installation/replacement of a sidewalk and questioned why the project could not just be inspected upon completion. He also requested that Council give consideration to re-establishing the Pridewalk Program. Mayor Cashman thanked Mr. Kingston for his comments and noted that a review of Municipal Fees was on the meeting agenda.

## **CORRESPONDENCE**

There was no correspondence to come before Council.

## **REDEVELOPMENT AUTHORITY CONSULTING SERVICES**

Robert Dilks, Jr. addressed Council regarding the Redevelopment Authority's Request for Proposals (RFP) for development of a Strategic Plan. Mr. Dilks indicated that he and Ray Pring, Jr. represent the Planning Commission and David Cantrell and Michael Boyd represent the Redevelopment Authority (RDA) on a sub-committee formed to review the RFP's received. Mr. Dilks indicated that the Strategic Plan would target the C-1 Central Commercial District as well as the Industrial area bordered by Clark Street and Langdon Drive. Development of the RFP was initiated as the result of the RDA and Planning Commission's interest in strategic planning for the development and revitalization of the City's downtown. The intent is to establish a plan for thoughtful and steady improvements into the future.

Mr. Dilks reported that three RFP's were received and, after a thorough review and video conference interviews, a recommendation has been forwarded to the RDA for its final selection and approval. It was noted that the RDA has funds available for the quoted \$54,000 cost for development of the Plan which is anticipated to take no more than eight months to complete. Mr. Dilks indicated that the consulting firm will provide assistance in identifying funding sources to accomplish the Plan's goals.

## **LEADERSHIP WARREN PROJECT PRESENTATION: FLOATING DOCK**

(Mr. Kolcharno arrived during this discussion)

Steve Sigmund, licensed architect, stated that he and other members of the 2014 Class of Leadership Warren County Project Group identified a need to provide docking facilities and a means for those traveling on the Allegheny River to access the downtown area. It was noted that Allegheny Outfitters annually transports over 13,000 people to the Kinzua Dam Boat Launch. The Project Group developed a plan which would include a floating dock, ADA-compliant access path, lighthouse landmark, nature path, and signage. The proposed location of the dock is in the eddy located on the north bank of the Allegheny River between the western portion of Breeze Point Landing and the Hickory Street Bridge. This location was selected as the area with the slowest moving water and, therefore, the safest location for docking.

Group members indicated that the project would benefit downtown businesses, those who use the river for recreation, local businesses that offer products/services used by those who use the river, and the citizens of the City and Warren County as a public area to enjoy the river.

Group members stated that key design features will include:

1. A floating dock which would be supplied by Gator Docks which manufactures docking systems designed to withstand the freeze/thaw conditions that are present on the River.
2. The lighthouse will be designed to echo the gatehouses located on the suspension bridge which once spanned the river near the proposed dock site. It is proposed that the lighthouse will be lit with low wattage LED lights with downward dampers to create a glow rather than a beacon-type of light.
3. The boardwalk will reflect the river's historic significance to the lumber industry and its location within the PA Lumber Heritage Region.
4. Informational kiosks.

The Project group is currently working to obtain necessary permits from the Fish and Wildlife and Fish and Boat Commissions. They noted that they are aware that certain environmental studies, including mussel surveys, may be required. Upon completion of the permitting process, the Project Group will provide further information regarding the project to City Council. As the project would be

located on City property, the Group expects to ask Council for its consideration in granting permission to complete the project and to accept ownership and maintenance of the project upon its completion. It was indicated that the Group will work toward providing a maintenance fund to cover a specified number of years. Fundraising efforts are contingent upon receipt of environmental permits; however, the Group anticipates construction during the summer of 2017.

**PROPOSED ZONING ORDINANCE AMENDMENT: SETTING PUBLIC HEARING DATE**

Mr. Hildebrand stated that the City of Warren Zoning Ordinance does not presently contain regulations specific to basement residential dwelling units within the C-1 Central Commercial Zoning District. Therefore, to allow any future basement residential dwelling units, permitted use language is being drafted by the Planning Commission and City staff.

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 matter to the Planning Commission for its consideration and to set a Public Hearing regarding residential use of basements within the C-1 Central Commercial Zoning District for May 16, 2016, at 7:30 PM. The motion was seconded by Mr. Gilbert and carried unanimously among the Council members present (6).

**TAX APPEAL LEGAL COUNSEL**

Ms. Stapleford reported that on this date the City became aware of a real estate tax appeal which was filed by the Brokenstraw Associates Corp. for property known as Canterbury Court, which is located within the City. Both Ms. Stapleford and her law partner, Christopher Byham, are conflicted with this matter and, therefore, the City would need to retain other legal counsel. The Warren County School District, also a party to the appeal, has retained the services of Timothy M. Zieziula of the Knox Law Firm. It was suggested that the City also retain Mr. Zieziula. Mrs. Freenock indicated that it is important to have legal representation which can raise questions and also provide information which the Assessment Board may not otherwise have available.

Council members indicated that they wish to be provided with additional information and there was no action taken in regard to this matter.

**COHEN LAW GROUP: PROPOSAL TO PERFORM SERVICES REGARDING WIRELESS FACILITY MANAGEMENT**

Mrs. Freenock stated that advancements in telecommunications are taking place at a rapid rate and with such technology comes the need to expand the infrastructure to provide high speed services. Typically, the necessary structures are placed in municipal rights-of-way and may be located either above or below ground level and, thereby, create new challenges for the municipality. Above ground installations may create an adverse aesthetic impact and may decrease property values, particularly in residential areas.

Recently, the City received inquiries from a company which proposes the installation of a pole(s) which would be 120 feet in height and have a base diameter of 40 inches.

Mrs. Freenock noted that in 2014, the Cohen Law Group, which facilitated the City's cable television franchise agreement renewal, provided a proposal for development of an ordinance to regulate the development of telecommunications facilities within the City so as to allow residents to benefit from such technology while protecting their property interests as well as the City's rights-of-way. However, the Council seated at that time chose not to proceed with development of such an

ordinance. In consideration of the above-noted inquiries, it was suggested that this matter again be considered. The Cohen Law Group indicated that it will perform this service for the same flat rate proposed in 2014.

An ordinance addressing wireless technologies would:

1. Address, and protect the City from, the negative impact of new wireless technologies, including new cell towers in the public rights-of-way;
2. Gain control over wireless facilities, including cell towers, small cells, and antennae;
3. Incorporate recent changes in Federal law and regulations;
4. Strike a balance between expansion of wireless broadband and preservation of the character of the community; and
5. Establish a new revenue source from such facilities.

Following discussion, Council members requested that Mrs. Freenock invite the Cohen Group to make a presentation to further outline the proposal and to answer Council's questions.

### **DISPOSITION OF SURPLUS PROPERTY**

Mrs. Freenock 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. Fraser and second by Mr. Kolcharno, Council members present (6) unanimously approved the disposition of the following items in a manner permitted by City Code:

1. 1979 MAKO 4500 PSI breathing air compressor
2. ASME 5000 PSI storage cylinder and rack
3. Breathing air fill station
4. Marc II Fire Alarm Receivers (2)
5. 2007 Dodge Magnum (former PD Community Service Vehicle)
6. 2002 Chevy Venture Van (used across departments – will not pass inspection and repairs exceed value)
7. 1994 Ford Ranger (will not pass inspection and repairs exceed value)
8. 2006 Ford F-650 Dump Truck (replaced)
9. 2001 Ford 150 Pickup Truck (replaced)
10. 1997 Ford Bucket Truck – Duralift (replaced)
11. Western 9' Snow Plow
12. 1996 V-Hopper Salt Spreader – 1 yard
13. 2-Piece Trench Box Kit – Kundel Titan 3L
14. 2000 John Deere 445 with 60" mowing deck, snow blower, broom, plow, and cab
15. Vacon 50-gallon Water Pump
16. Arora pumps (2)
17. John Deere Bunker & Field Rake (inoperable and requires \$3000 in repairs)
18. 2009 VM1 Pay by Space Meter System (Clark Street Parking Garage)
19. 2009 CTR Automated Ticket & Pay Station System (Midtown Lot)

**APPOINTMENT TO BLIGHTED PROPERTY REVIEW COMMITTEE (BPRC)**

Upon motion by Mr. Lewis and second by Mr. Zavinski, Council members present (6) voted unanimously to appoint Gregory Fraser to serve as the Council representative on the Blighted Property Review Committee.

**AWARD OF 2016 CONCRETE CONTRACT: PENNCOM MANAGEMENT, LLC**

Mr. Holtz reported that the City advertised and received bids for the furnishing of an estimated 500 Cubic Yards of Class AA Concrete to be used by the City's Department of Public Works in 2016 for various sidewalk, street, curb and catch basin repairs. Two bids were submitted and were provided for Council's review.

Mr. Lewis made the motion to authorize award of the 2016 Concrete Contract to Penncon Management, LLC, dba Wayne Concrete, for supplying 500 cubic yards of Class AA Concrete at the bid price of \$114.70 per cubic yard. The motion was seconded by Mr. Fraser and carried unanimously among the Council members present (6).

**EQUIPMENT PURCHASE: 2016 CHEVROLET COLORADO**

Mr. Holtz stated that the City's Wastewater Treatment Plant Capital Project is nearing completion and there are sufficient funds remaining to allow for the purchase of a pickup truck which would be assigned to the Department of Public Works Director. The Director's current Chevy Silverado would then be assigned to the Superintendent to replace the current 2002 GMC Sierra which is at the end of its life span. The purchase is 100% eligible for reimbursement through PENNVEST. The City advertised and received one bid for this vehicle. The bid was from Jones Chevrolet in the amount of \$29,998.

Mr. Lewis made the motion to approve the purchase of a 2016 Chevy Colorado from Jones Chevrolet at the bid price of \$29,998. The motion was seconded by Mr. Gilbert and carried unanimously among the Council members present (6).

**RESOLUTION NO. 3005: COUNTY LIQUID FUELS APPLICATION**

Mr. Holtz stated that each year it is necessary for Council, by resolution, to apply for the County Liquid Fuels Tax Allocation. The City's allocation for 2016 has been established at \$11,993.00. These monies are used to reimburse the General Fund for road salt purchased for snow and ice control.

Upon motion by Mr. Lewis and second by Mr. Fraser, Council members present (6) voted unanimously to approve the resolution to apply for the 2016 County Liquid Fuels Tax Allocation.

**2016 STREET PAVING OVERVIEW**

Mr. Holtz provided a PowerPoint presentation illustrating the portions of streets which have been placed on the proposed paving list for 2016. It was noted that the bid opening for the 2016 Bituminous/Overlay Project will be on May 9 and bids will be presented to Council at the regular meeting on May 16.

Mr. Holtz noted that, at its April 18 regular meeting, Council was asked to consider converting the two-block brick portion of Water Street between Market Street and Pennsylvania Avenue to asphalt. As indicated at the April 18 meeting, Pennsylvania American Water Company is in the process of replacing a twelve-inch water main in the center of the street. Due to the already deteriorated condition of the brick street, it was suggested that it might be timely to convert to asphalt rather than brick following completion of the PAWC project. The Street Opening Permit fee is projected to be \$85,000 which could be applied to the estimated cost of \$145,080 for curbing and paving the two-block section of the street.

David Winans addressed Council and noted that this portion of Water Street is located within the Historic District which is recognized by the Department of the Interior (Mr. Winans was instrumental in the Historic District Designation application). He further noted that brick streets were a contributing factor in the Historic District designation. Mr. Winans stated that he believes that the block of Water Street which borders Celeron Park is in better condition than many paved streets. Mr. Winans opined that utility companies are required to restore streets and that it would be wasteful to utilize City funds to replace brick streets which have been in place for over 100 years.

Mr. Holtz stated that utility companies do not perform street restoration work within the City. He indicated that restoration is performed by a company contracted by the City and that the Street Opening Permit fee is only for the restoration of that portion of the street which is disturbed by the utility. Mr. Holtz suggested that the block of Water Street which borders Celeron Park (East Street to Pennsylvania Avenue) remain as a brick street and the block between Market and East Streets be converted to asphalt.

Mr. Lewis made the motion to proceed with the proposed Water Street Project and to convert it to asphalt. The motion was seconded by Mr. Cashman with the vote resulting in a tie and, therefore, the motion failed. Nay votes were cast by Mr. Gilbert, Mr. Fraser, and Mayor Cashman; Miss Davis was absent.

#### **DISCUSSION: MUNICIPAL FEES**

During discussion of Municipal Fees, Mr. Lewis expressed concern that the \$500 fee associated with various appeals processes would prohibit some citizens from seeking such remedy. Ms. Stapleford noted that such costs may also be prohibitive to the City. Mr. Fraser stated that it is the appellant's option to appeal and associated costs should not be subsidized by taxpayers. Mrs. Freenock stated that the fees are required as a means for the City to recoup costs incurred such as advertising, posting notices, and stenographer fees. It was suggested that the amount be reduced to \$400 which would be a "deposit" with any costs in excess of that amount to be charged to the appellant and, likewise, any overpayment to be refunded to the appellant following the proceedings. Mayor Cashman requested that City staff prepare this option for Council's consideration.

Mr. Fraser noted discussion at the March 21 regular meeting regarding fines for overtime parking and inquired as to whether the City Administration has a position on the matter. Mrs. Freenock recommended that the fine remain at \$15. She stated that discussion at the December, 2015 regular meeting resulted in a consensus that should the fine be reduced to \$10, the \$2.50 difference between the \$7.50 all-day Midtown Lot Parking Lot rate and a fine for overtime parking on the street would not be sufficient to dissuade violators.

#### **DEPARTMENT REPORTS – MARCH, 2016**

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:

- |                                 |   |                   |                 |
|---------------------------------|---|-------------------|-----------------|
| Parks and Recreation Commission | – | March 1, 2016     | Regular Meeting |
| Street Landscape Committee      | – | February 23, 2016 | Regular Meeting |

**ADJOURNMENT**

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