

**WARREN CITY COUNCIL  
REGULAR MEETING  
APRIL 20, 2015 – 7:30 PM**

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**OPENING OF MEETING**

Mayor Cashman presided over the April 20, 2015 regular meeting of Warren City Council in Council Chambers of the Municipal Building and opened the meeting with the Pledge of Allegiance. Mayor Cashman announced that Council members met in Executive Session immediately prior to the meeting in regard to litigation relating to a legal action against Robert Yoder, a tax assessment appeal, demolition of a property on Conewango Avenue, and a personnel matter.

**ROLL CALL**

Members present and responding to roll call were: Mayor Maurice Cashman, Dr. Howard Ferguson, Samuel Harvey, Richard Kolcharno, John Lewis, James A. Zavinski, Sr., and Robin Thomas, Junior Council Member. Gregory Fraser was absent. Mr. Hildebrand, Mr. Holtz, Mrs. Leary, Ms. Nau, Chief Pascuzzi, Mrs. Risinger, Mr. Maas (Hill Engineering), Ms. Stapleford, and Chief Zydonik of City staff were also in attendance.

**RECOGNITION OF VISITORS**

Mayor Cashman welcomed all visitors. Present were:

- Dean Wells: Seasonal Food Vending
- David Sobina: Proposed Zoning Map Amendment - Pennsylvania General Energy (PGE)
- Trish Durbin: Proposed Zoning Map Amendment – PGE
- Ashley Hordusky-Fisk: Proposed Zoning Map Amendment – PGE
- Brett Thomas: Proposed Zoning Map Amendment – PGE
- Karen Thomas: Proposed Zoning Map Amendment – PGE
- Bill Thompson: Warren County 4<sup>th</sup> of July Organization re: Flags
- Kelly Thompson: Warren County 4<sup>th</sup> of July Organization re: Flags
- Pauline Steinmeyer: City resident observing
- Walt Atwood: Pleasant Twp. resident observing
- Ed Atwood: Pleasant Twp. resident re: parking
- John Schwone: City resident observing
- Elissa Davis: City resident observing
- John Parroccini: City resident observing
- Kimberleigh Parroccini: City resident observing (High School project)
- Phil Gilbert: City resident observing
- Patricia Murphy: City resident observing
- Dan Ristau: Downtown merchant re: parking
- Julia Tarr: Downtown merchant re: parking
- Luesal Sailair: City resident re: parking
- Marguerite Sweeney: City resident re: parking
- Jane Bemis: City resident supporting merchants re: parking
- Josh Cotton: Times Observer Reporter

**APPROVAL OF MINUTES**

Upon motion by Mr. Zavinski and second by Mr. Kolcharno, the minutes of the March 16, 2015 Regular Meeting were approved (with one correction) with five votes in the affirmative, one abstention by Dr. Ferguson as he was not in attendance on that date, and Mr. Fraser absent.

Upon motion by Mr. Zavinski and second by Mr. Kolcharno, the minutes of the April 6, 2015 Special Meeting were unanimously approved by Council members present.

**CORRESPONDENCE**

There was no correspondence to come before Council.

**VISITORS**

**Fourth of July Organization: United States Flags**

Kelly Thompson, representing the Warren County Fourth of July Organization, addressed Council and requested Council’s consideration regarding the placement of United States Flags on poles located along Market Street. These flags would be in addition to those provided for in the 2014 agreement between the City and the Organization regarding flags on Pennsylvania Avenue. It was asked that the flags be installed during the week prior to Memorial Day and removed the week following the Fourth of July. As in 2014, the Organization asked that the City provide the pole brackets and install the flags. Ms. Thompson requested that the agreement renew from year-to-year.

Mr. Harvey made the motion to approve the Fourth of July Organization’s request to install additional flags on street poles and to delegate/authorize the City Manager to review and execute the agreement. The motion was seconded by Mr. Lewis and carried unanimously among the Council members present.

**Dean Wells: Seasonal Food Vendors**

Dean Wells addressed Council and expressed his concerns regarding what he averred are inconsistencies in the issuance of food licenses for seasonal vendors and referenced the 2014 operation of Matt King BBQ. Mr. Wells also expressed concern regarding the lease fee established for the operation of Matt King BBQ at the southern end of Liberty Street during the 2015 season. He indicated that he believes that the \$100 per week originally proposed as the lease fee was more reasonable than the \$25 per week set by Council (see 3/16/15 Council minutes). Mr. Wells indicated that he was not present to speak against competing business(es) but to assure that businesses were being treated equally.

Mr. Harvey asked for confirmation that City Council serves as the City Health Board and that Dr. Dennis Olson is contracted for performance of health inspections at food service facilities. Ms. Nau confirmed that this is the case and indicated that all license applicants are required to complete the same form and are subject to inspection by Dr. Olson or one of his deputy inspectors. Mr. Harvey requested that Dr. Olson either attend the May meeting of Council or be available via phone to provide further information to Council regarding the licensing process.

**PROPOSED ZONING MAP AMENDMENT – SETTING PUBLIC HEARING DATE**

Mr. Hildebrand stated that Pennsylvania General Energy (PGE) filed a Zoning Map Amendment Application that would change the following tax parcels from the current Zoning District designation of R-2, Residential Medium Density to R-3, Residential High Density.

<u>Tax Map/Parcel No.</u>	<u>Address</u>
WN-576-763000-000 (eastern part of)	120 Market Street
WN-576-818500-000	109 Second Avenue
WN-576-819400-000	107 Second Avenue
WN-576-819500-000	103/105 Second Avenue

Mr. Hildebrand noted that it is required that the application be forwarded to the City of Warren Planning Commission and the County Planning Commission for their review, comment, and recommendation and that a public hearing be held prior to Council taking action in regard to the application.

Mr. Lewis made the motion to set a public hearing date for June 15, 2015, at 7:30 PM regarding the proposed Zoning Map Amendment. The motion was seconded by Dr. Ferguson and carried unanimously among the Council members present.

**ADDRESS TO COUNCIL REGARDING DOWNTOWN PARKING**

Dan Ristau, business owner, addressed Council and stated his concerns regarding what he perceives to be negative impacts of metered parking on downtown businesses. Mr. Ristau stated that his primary concern is the \$15 fine for late payment of parking tickets and further stated that he believes this has been a significant deterrent to those who might otherwise conduct business in the downtown area. Mr. Ristau suggested that the fine be reduced to \$10 for late payment of a first parking ticket with increased fines to be attached to each subsequent late payment.

Julia Tarr, business owner, stated that she believes the new parking plan is working in most respects and suggested that the fine for the late payment of a first parking ticket be set at \$5 with subsequent fines to be set at \$50 for a second offense and \$100 for a third offense. Ms. Tarr indicated that she offers meter tokens to patrons of her business.

Ed Atwood, Pleasant Township resident, indicated that his wife will no longer visit the same hairdresser as the selected services may take more than three hours. He also stated that he finds the meters located adjacent to the Post Office to be problematic as one never knows how long it may take. He noted that there are online purchasing options for goods as well as postage stamps.

Marguerite Sweeney stated that she does not object to the parking meters with the exception of those located in front of the Public Library. Mayor Cashman noted that there is parking available in the Midtown Lot that is free for the first half hour and provides easy access to the rear entrance of the Library.

There was considerable discussion during which Council members noted that one of the original intents of the parking plan was to deter those working at downtown businesses from parking all day in spaces near their place of employment and, thereby, removing those spaces from availability to those wishing to conduct business. It was noted that during public meetings held prior to implementation of the parking plan the suggestion was made by those in attendance that the fines be set at \$15.

Mayor Cashman thanked all for their comments and requested that City Staff provide a recommendation regarding a tiered fine system at the May Council meeting.

**ORDINANCE NO. 1854: 72-HOUR PARKING & ON-STREET PLACEMENT OF PORTABLE CONTAINERS**

Chief Zydonik noted that Ordinance No. 1800 provides for 72-Hour On-Street Parking Regulations to facilitate snow removal and street maintenance activities as well as to prevent inappropriate use of parking spaces. He further noted that due to the current wording of the certain portions of the ordinance, enforcement beyond the ticketing level has not been possible and, therefore, it is necessary to provide clarity in those portions.

Chief Zydonik further stated that it is necessary to establish regulations for the on-street placement of portable storage containers, dumpsters®, and the like which are generally utilized for construction and moving purposes.

Mr. Lewis made the motion to adopt the ordinance regulating 72-hour parking and on-street placement of dumpsters® and storage containers. The motion was seconded by Mr. Zavinski and carried unanimously among the Council members present.

### **AMBULANCE-II PURCHASE**

Chief Pascuzzi noted that Council approved the purchase of a new Ambulance-II from Pfund Superior Sales at a cost of \$118,604 at the special Council meeting held on April 6, 2015. The 2015 Budget includes funding for the first of four annual lease/purchase payments.

Chief Pascuzzi stated that lease/purchase proposals were received from Leasing-2 (3.92%) and Republic First National (2.93%). He further stated that there are \$291,323 available in the Equipment Reserve Fund and that the City Manager recommends the direct purchase of the ambulance utilizing these funds.

Mr. Lewis made the motion to purchase a new Ambulance-II via direct purchase and utilizing monies from the Equipment Reserve Fund. The motion was seconded by Mr. Zavinski and carried unanimously among the Council members present.

### **RESOLUTION NO. 2983: ESTABLISHING FEES**

Ms. Nau noted that the City entered into an agreement with the Warren County YMCA for the operation of the Municipal Pool. The YMCA requested that there be an option for "private" parties to be held during normal hours of operation. The fees contained in the proposed resolution would entitle the party to use the pavilion located closest to the entry gate and would also provide for two additional guards which would be required in order to maintain a ratio of one guard for each twenty-five patrons. The pavilion will accommodate approximately fifty persons. It was noted that the proposed fees were reviewed and recommended by the Parks and Recreation Commission.

Ms. Nau noted that no other fees were amended by the proposed resolution.

Mr. Lewis made the motion to approve the resolution establishing fees. The motion was seconded by Mr. Harvey and carried unanimously among the Council members present.

### **AGREEMENT: PA MUNICIPAL CODE ALLIANCE. INC.**

Ms. Nau noted that in November of 2012, the City entered into an agreement with Commonwealth Code Inspection Services, Inc. (CCSI) for the performance of commercial plan review and inspection services. CCSI recently restructured their business and those employees who conduct commercial plan reviews and some inspection services for the City opted to leave CCSI and form their own company, Pennsylvania Municipal Code Alliance, Inc. (PAMC). Although CCSI has confirmed its ability to continue to perform under the terms of the existing agreement, it now lacks a local presence.

Ms. Nau stated that PAMC has assured the City that their company would be able to provide commercial plan review and inspection services under a like agreement. As the agreement with CCSI is non-exclusive, it is requested that the City enter into an agreement with PAMC to ensure that commercial plan review and inspection services will continue to be available and rendered in a timely manner.

Mr. Lewis made the motion to terminate the November, 2012 Agreement with Commonwealth Code Services. The motion was seconded by Dr. Ferguson and carried unanimously among the Council members present.

Mr. Lewis made the motion to enter into an Agreement with Pennsylvania Municipal Code Alliance, Inc. for the performance of commercial plan review and inspection services. The motion was seconded by Dr. Ferguson and carried unanimously among the Council members present.

**RESOLUTION NO. 2984: APPLICATION FOR COUNTY LIQUID FUELS FUNDS**

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 2015 Allocation will be \$13,551 which will be utilized to reimburse the General Fund for road salt purchases.

Upon motion by Mr. Harvey and second by Mr. Lewis, the resolution authorizing the 2015 County Liquid Fuels Application was unanimously approved by the Council members present.

**HOLIDAY INN TAX SETTLEMENT APPROVAL**

Mr. Harvey made the motion to accept the Holiday Inn Tax Settlement as presented by the County's attorneys. The motion was seconded by Mr. Lewis and carried unanimously among the Council members present.

**DEPARTMENT REPORTS – MARCH, 2015**

The following reports were presented for Council's review:

- Police Department
- Fire Department
- Department of Public Works
- Building Codes Department
- Finance Department – Quarterly Report

**APPROVED MINUTES OF BOARDS AND COMMISSIONS**

Council acknowledged receipt of the following approved minutes:

- |                                 |   |                   |                 |
|---------------------------------|---|-------------------|-----------------|
| Parks and Recreation Commission | – | February 3, 2015  | Regular Meeting |
| Street Landscape Committee      | – | February 24, 2015 | Regular Meeting |
| Special Event Status Report     |   |                   |                 |

**ADJOURNMENT**

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