

**WARREN CITY COUNCIL
REGULAR MEETING
MAY 19, 2014 – 7:30 PM**

OPENING OF MEETING

Mayor Cashman presided over the May 19, 2014 regular meeting of Warren City Council in Council Chambers of the Municipal Building and opened the meeting with the Pledge of Allegiance. It was announced that Council met in Executive Session regarding matters of litigation pertaining to the Allegheny Center for the Arts building and the City Sign Ordinance immediately prior to this meeting.

ROLL CALL

Members present and responding to roll call were: Mayor Maurice Cashman, Dr. Howard Ferguson, Gregory Fraser, Samuel Harvey, Richard Kolcharno, John Lewis, James A. Zavinski, Sr., and Eric Zavinski, Jr. Council Member. Mrs. Freenock, Mr. Gustafson, Mr. Hildebrand, Mr. Holtz, Mrs. Leary, Ms. Nau, Chief Pascuzzi, Mrs. Risinger, Mr. Sceiford, Ms. Stapleford, and Chief Zydonik of City staff were also in attendance.

RECOGNITION OF VISITORS

Mayor Cashman welcomed all visitors. Present were:

- Dan Ristau, Main Street President : Proposed parking plan
- Linda Williams, 925 Weiler Road, Warren: Farmers' Market
- Wanda Kelley, 1701 Fairway Drive, Mt. Home, AR: Farmers' Market
- Carl Schultz, 5224 Cartwright Road, Asheville, NY: Farmers' Market
- Shirley Olson, 1770 Cider Mill Hill, Russell, PA: Farmers' Market
- Michelle Bango, 100 Warner Drive, Russell, PA: Farmers' Market
- Pauline Steinmeyer, 18 Prospect Street, Warren: Observing
- Josh Cotton: Times Observer reporter

Dan Ristau addressed Council and stated that a group of downtown business owners met in regard to the proposed parking plan. Mr. Ristau indicated that the consensus of the group was that the installation of parking meters would be the appropriate action.

APPROVAL OF MINUTES

Upon motion by Mr. Fraser and second by Mr. Lewis, the minutes of the following meetings were unanimously approved.

April 9, 2014 Public Meeting
April 16, 2014 Work Session

April 21, 2014 Regular Meeting
April 28, 2014 Special Meeting

CORRESPONDENCE

Council members acknowledged receipt of correspondence from the following:

- Charles "Chuck" Conaway: Tendering his resignation from the Planning Commission
- Tom Frair, Farmers' Market Master: Request for waiver of Temporary Retail Food License fee for Market vendors

Carl Schultz, was present and spoke on behalf of Tom Frair regarding Temporary Retail Food License fees. Mr. Schultz stated that Market vendors believe that those vendors whose facilities are inspected and licensed should not also be subject to the City's Temporary Retail Food License. Mrs. Freenock explained that those vendors offering foods deemed as "potentially hazardous foods" as established in the Pennsylvania Department of Agriculture regulations are subject to

licensing as their Market site facilities for holding foods are subject to inspection by the City's Health Officer. She further noted that the \$50 fee charged for the Temporary Retail Food License is less than the expense incurred by the City. Ms. Nau indicated that in 2014 there are presently four Market vendors subject to the Temporary Retail Food License fee.

Mr. Schultz requested that the City consider waiving or reducing the fee and stated that vendors believe this unfairly reduces their ability to make a profit. Mayor Cashman noted that the \$50 fee equates to \$2.50 per Market day of the 20-week Market schedule and further stated that the City has worked to make the Market process as easy and cost-effective as possible for participants.

UPCOMING MEETINGS

Mayor Cashman announced that a Public Meeting regarding revisions to the proposed parking plan will be held on Tuesday, June 3, at 6:00 PM in the Slater Room of the Warren Public Library.

A Special Meeting of City Council will be held in Council Chambers at 5:30 PM on Monday, June 2 regarding the 2014 Bituminous Milling and Paving Project and other items which may be added to the agenda.

RESOLUTION NO. 2951: SETTING SEWER USAGE CHARGES

Mrs. Freenock stated that there are approximately four properties within the City which do not have access to the public water system and, therefore, do not have a water meter. In the absence of water meter readings, the sewer usage charges for these properties have been charged at a flat rate. It has been noted by single occupants that the current flat rate of \$44 per dwelling unit is significantly higher than the average metered account average of \$18 for a single occupant. Therefore, it was suggested that the flat rate for unmetered accounts be set as follows:

For each single-family dwelling or unit, apartment, or billing unit based upon an affidavit regarding the number of occupants:

1 occupant	\$17.00
2 occupants	\$34.00
3 or more occupants	\$44.00

In response to Mr. Fraser's question as to the recourse if a property owner was found to have misrepresented the number of occupants, Chief Zydonik indicated that the owner could be charged with theft of services. Mr. Lewis stated that the current rate has been in force for quite some time and indicated that it should not be changed.

Upon motion by Mr. Harvey and second by Dr. Ferguson, Council voted to approve the resolution setting sewer usage charges with six votes in the affirmative and one nay vote cast by Mr. Lewis.

RE-ESTABLISHMENT OF RECYCLABLE MATERIALS COLLECTION FEE AGREEMENT: ADVANCED DISPOSAL SERVICES – COLLECTION OF RECYCLING FEE

Mrs. Freenock stated that in October of 2013 the Commonwealth Court held that the collection of recycling fees by a municipality that does not directly provide the recycling service is not permitted. As a result, at the organizational meeting held on January 6, 2014, Council voted to rescind the recycling collection fee. Since that time, the City has been in discussions with Advanced Disposal Services Solid Waste of PA, Inc. which is the company the City has contracted with for the collection of recyclable materials. Advanced has agreed to add monthly recycling collection charges to the bills it renders to its customers within the City and to also render quarterly bills to

City residents who do not utilize Advanced's garbage collection services. This action would be permitted as Advanced directly provides the recycling service.

Upon motion by Mr. Lewis and second by Mr. Zavinski, Council voted unanimously to re-establish a Recyclable Materials Collection Fee of \$2.30 per month.

Upon motion by Mr. Fraser and second by Mr. Lewis, Council voted unanimously to approve the agreement with Advanced Disposal Services Solid Waste of PA, Inc. for the collection of Recyclable Materials Collection Fees.

UPDATE REGARDING SEWER BILLING TO PROPERTY OWNERS

Mrs. Freenock indicated that the ordinance pertaining to sewer use charges the property owner with the responsibility for payment of sewer use fees. Mrs. Freenock noted that there have been concerns as to whether this might impact landlord/tenant agreements. Ms. Stapleford indicated that it is not the City's responsibility to determine the manner in which the property owner assures that the fees are paid to the City.

Mrs. Freenock noted that Pennsylvania Municipal Services (PAMS), sewer fee collection agency for the City, has indicated that it will insert a letter to property owners regarding this matter along with the invoice. She also noted that the City will be reviewing options for the collection of sewer use fees upon the expiration of the current PAMS agreement.

**AGREEMENT: EXPERIENCE, INC. – AMENDMENT TO TEMPORARY PARKING LEASE
TERMINATION OF PARKING AGREEMENT**

Mrs. Freenock stated that the City previously entered into two agreements with Experience, Inc. for the leasing of City-owned parking surfaces in the vicinity of the Allegheny Community Center (housed in the TAWC building on Clark Street). These parking areas will be temporarily impacted by construction activities at the Clark Street Pump Station as part of the Wastewater Treatment Facilities and Conveyance Project. Therefore, in order to accommodate construction activities and to provide for an alternate parking location during the time of construction, it is necessary to (1) terminate the Lease Agreement pertaining to the property commonly referred to as the "Sturdevant Property", and (2) amend the Temporary Parking Lease to provide for the use of additional City-owned parking surfaces.

Upon motion by Mr. Lewis and second by Mr. Harvey, Council members voted unanimously to terminate the Agreement with Experience, Inc. (dated 2/21/2011) pertaining to parking on City-owned parcels WN-579-165 and WN-579-1641 with the termination to be effective July 18, 2014.

Upon motion by Mr. Lewis and second by Mr. Harvey, Council members voted unanimously to approve the Agreement Amendment pertaining to the Temporary Parking Lease with Experience, Inc. (dated 2/21/2011) for City-owned parcels WN-579-1342, WN-579-165, and WN-579-7882.

**AGREEMENT: PA DEPARTMENT OF TRANSPORTATION – GLADE RUN SIDEWALK(S)
RESOLUTION NO. 2952: AUTHORIZING EXECUTION OF PENNDOT AGREEMENT**

Mr. Holtz stated that PennDOT has proposed an improvement project on the State-owned portion of Pennsylvania Avenue East. As part of this project, it is anticipated that the sidewalk adjoining the bridge across the Glade Run Flood Control Project area will be replaced. Therefore, PennDOT requested that the City enter into an agreement to provide for the maintenance of the sidewalk and to also adopt a resolution authorizing the appropriate City officials to execute the agreement. In response to questions from Council, Mr. Holtz indicated that if the City chose not to enter into a

maintenance agreement, PennDOT would likely not construct a sidewalk(s) on the bridge. It was noted that this project is expected to occur in 2015.

Upon motion by Mr. Fraser and second by Mr. Lewis, Council members voted unanimously to enter into the Agreement with the Pennsylvania Department of Transportation for the City to provide maintenance for a sidewalk(s) to be constructed by PennDOT on the Glade Run Bridge as part of the PennDOT Pennsylvania Avenue East Paving Project.

Upon motion by Mr. Fraser and second by Mr. Lewis, Council members voted unanimously to approve the Resolution authorizing execution of the agreement with the Pennsylvania Department of Transportation for the maintenance of the sidewalk(s) to be constructed on the Glade Run Bridge (Pennsylvania Avenue East).

RESOLUTION NO. 2953: APPLICATION FOR COUNTY LIQUID FUELS ALLOCATION

Mr. Holtz noted that each year it is necessary for Council, by resolution, to apply for the County Liquid Fuels Tax Allocation. The City's allocation for 2014 has been established at \$14,646.00.

Upon motion by Mr. Lewis and second by Mr. Zavinski, Council members voted unanimously to approve the Application for Warren County Liquid Fuels Allocation Resolution.

REQUEST FOR RECONSIDERATION OF COUNCIL ACTION REGARDING THE PURCHASE OF DPW VEHICLES

Mr. Holtz noted that at the April 21, 2014 regular meeting, Council approved the purchase of two dump trucks to be made as a cash purchase (at a combined cost of \$236,548.84) and one pickup truck to be financed (\$25,377.40).

This action occurred immediately following Council's approval to utilize additional funding from the General Fund balance for street paving in 2014. So that Council may be properly informed, Staff requested loan rate information from four financial institutions and responses were received from three local banks with rates quoted at 2.15%, 2.34%, and 4.29%. Additionally, Acceptance Leasing quoted a rate of 2.15%. Acceptance Leasing requires the first payment to be made upon acceptance of the financing and, thereby, reduces the total amount of interest paid over the loan term.

It was noted that the Government Finance Officers' Association (GFOA) recommends that capital purchases be financed when low rates are available so as to maintain an adequate fund balance as a contingency to guard against adverse economic conditions and the resultant potential for a downturn in revenues and also to provide for unbudgeted emergency expenditures. A GFOA article regarding this topic was provided for Council's review.

It was requested that Council again consider the manner in which the Department of Public Works vehicles are to be purchased and it was suggested that all three vehicles be financed for up to five years via the financial institution which provides the most cost-effective financing package.

There was considerable discussion regarding the request which included:

- Mrs. Freenock stated that the referenced increase in funding for paving was proposed based on the understanding that the DPW would vehicles would be financed.
- Mrs. Freenock noted that a cash purchase of vehicles would reduce the General Fund balance to a level lower than that which is recommended by the GFOA.

- Mr. Harvey requested that a debt summary indicating how funds are being utilized be provided. He stated his belief that the additional paving funding and cash purchase of DPW vehicles should leave a sufficient fund balance.
- Mr. Cashman noted that the 2014 budget as approved was a deficit budget which relies on the General Fund balance.
- Mr. Cashman stated that financing with a low interest rate would allow maintenance of the General Fund balance at a level which may allow Council to consider no tax increase for 2015.
- Mr. Cashman noted the need to allow for “rainy day” funds and to maintain a fund balance that will carry the City through until 2014 real estate tax receipts begin to be distributed.
- Mrs. Freenock noted that Mr. Holtz and Mr. Hildebrand anticipate presenting two transportation grant applications to Council in June and further noted that each grant requires that matching funds be provided by the City.
- Mr. Harvey suggested that the \$1 million loan taken by the City, and which has not yet been utilized, be put to use. Mr. Holtz responded that the referenced loan proceeds are to be used for Redevelopment Assistance Capital Project (RACP) activities.
- Mr. Cashman noted that should the City proceed with a Streetscape II Project, matching funds will be required. He further noted that it is generally easier to finance vehicles at a low rate than to finance activities such as Streetscape at a low rate.

Mr. Fraser made the motion to rescind the cash purchase motion regarding DPW Vehicles and to authorize City staff to enter into an equipment lease purchase. The motion was seconded by Mr. Cashman and failed with two votes in the affirmative and 5 nay votes cast by Mr. Lewis, Mr. Harvey, Dr. Ferguson, Mr. Zavinski, and Mr. Kolcharno.

AGREEMENTS: HILL ENGINEERING, INC. – CDBG STREET ROAD IMPROVEMENT PROJECTS

Mr. Hildebrand reported that a Request for Qualifications (RFQ) for engineering services for Street and Road Improvement Projects was advertised. Two qualification statements were received and, upon a thorough review of the submissions, City staff recommended the award of a contract to Hill Engineering, Inc. It was noted that the firm has a thorough knowledge of the Community Development Block Grant (CDBG) bidding and program requirements as well as extensive street improvement experience in several communities, current in-house facilities, technical capabilities, and a strong project team.

In response to Mr. Harvey’s inquiry regarding oversight and request to see other bids, Mr. Sceiford clarified that the City is not required to bid out professional services and the award of the contracts is based on qualifications. He further stated that oversight is by way of Department of Community and Economic Development (DCED) guidelines and requirements.

Upon motion by Mr. Lewis and second by Mr. Kolcharno, Council voted unanimously to approve agreements (2) with Hill Engineering, Inc. for the East Street and Franklin Street Community Development Block Grant (CDBG) Street Road Improvement Projects.

ORDINANCE NO. 1845: REGULAITONS FOR THE USE OF CITY PARK, RECREATION, PRESERVATION, AND CONSERVATION AREAS

Ms. Nau noted that City Council previously enacted Ordinance No. 1803 which established regulations for the use of City Park, Recreation, and Conservation areas. However, this ordinance does not address the use of City-owned properties which may be located in a Preservation District but are not designated as a park. In the case of Breeze Point Landing, the funding utilized for its development does not permit the area to be specifically designated as a park. Therefore, to

provide for the appropriate use and decorum by the public on such properties and to provide for enforcement, it is necessary to establish regulations by way of an ordinance.

It was suggested that Ordinance No. 1803 be repealed in its entirety and replaced by an ordinance which is substantively the same but includes Preservation Areas. The ordinance also includes an amended definition of a "Park area" and provides the definition of a "Preservation Area."

Mr. Fraser made the motion to approve the ordinance establishing regulations for the use of City Park, Recreation, Preservation, and Conservation Areas. The motion was seconded by Dr. Ferguson and carried with six votes in the affirmative and one nay vote cast by Mr. Harvey.

AGREEMENT: COVERED WAGON TOURS, LLC – PLAYGROUND PROGRAM TRIP

Ms. Nau indicated that plans are in place for a Summer Playground Program field trip to Darien Lake on Monday, June 30. The fee to participate in this trip is based on the actual costs (i.e. bus, admission, etc.) and, therefore, no additional costs are incurred by the City.

Covered Wagon Tours, LLC, the selected company for tour buses, requires acceptance of a Charter Agreement regarding the itinerary and charges. By authorizing the signing of the Charter Agreement, Council will insure that the applicable City insurance policies will be in force regarding the bus transportation.

Upon motion by Mr. Lewis and second by Mr. Zavinski, Council members voted unanimously to approve the agreement with Covered Wagon Tours, LLC for charter buses for the Summer Playground Program trip to Darien Lake on June 30, 2014.

DEMOLITION ESTIMATES: 117 BEATY STREET AND 1034 SPRING STREET

(See also 8/19/13, 9/16/13, 11/18/13, 12/16/13, 1/20/14, and 2/17/14 meeting minutes)
Ms. Nau reported that estimates have been obtained for the demolition of structures located at 117 Beaty Street and 1034 Spring Street (site of a house fire some years back). The cost for each property will be approximately \$6,000 which includes demolition, removal of debris, grading, and seeding. A municipal lien will be filed against each property in the amount of actual costs. It is anticipated that demolition will occur in approximately six weeks.

DEPARTMENT REPORTS – APRIL, 2014

The following reports were presented for Council's review:

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

In response to Council questions regarding potholes, Mr. Holtz indicated that the Department of Public Works is addressing streets as weather permits. He noted that hot patch asphalt will soon be available.

Mr. Fraser commended all departments involved in the response to a recent natural gas line break due to an automotive accident.

MISCELLANEOUS

Dr. Ferguson noted that the Parking Committee continues to review and proceed with work on a proposed Downtown Parking Plan in their endeavor to meet the needs of the public and not reduce revenues. It is anticipated that the plan will be presented to Council for consideration in June.

Mr. Lewis noted that the City was invited to participate in a Memorial Day Observance to be held in conjunction with the Youngsville American Legion. The City will be represented by Mr. Harvey who will present a proclamation.

APPROVED MINUTES OF BOARDS AND COMMISSIONS

Council acknowledged receipt of the following approved minutes:

Planning Commission	-	February 19, 2014	Regular Meeting
Street Landscape Committee	-	March 25, 2014	Regular Meeting

ADJOURNMENT

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