

**WARREN CITY COUNCIL
REGULAR MEETING
MAY 21, 2012 – 7:30 PM**

OPENING OF MEETING

Mayor Mark A. Phillips presided over the May 21, 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 regarding property matters immediately prior to this meeting and also on May 9 in regard to possible litigation regarding the Allegheny Center for the Arts (ACA) building. Mayor Phillips indicated that he was not in attendance for the May 9 session.

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. Mrs. Nau, Mr. Gustafson, Mr. Hildebrand, Mr. Holtz, Mrs. Leary, Mrs. Risinger, Mr. Sceiford, Ms. Stapleford, and Chief Zydonik of City staff were also in attendance.

RECOGNITION OF JUNIOR COUNCIL MEMBER

Mayor Phillips presented Jacob Park with a plaque in recognition of his service as Junior Council Member during the 2011-2012 school year. Mr. Park noted that his term as Junior Council member was a learning experience and thanked Council members for the opportunity to serve.

RECOGNITION OF VISITORS

Mayor Phillips welcomed all visitors. Present were:

- Lenny Gray – observing
- Shelly Nuhfer – Junior Council Recognition
- Shaley Williams – Junior Council Recognition
- Julie Park – Junior Council Recognition
- Kent Wilcox – Junior Council Recognition
- Jim Holding – Northwest Savings Bank Special Event Request
- Bob Baxter – Northwest Savings Bank Special Event Request
- Shane Newell – Northwest Savings Bank Parking Lease
- Dan Ristau – Warren Main Street Special Event Requests
- Josh Cotton – Times Observer reporter

APPROVAL OF MINUTES

Upon motion by Mr. Cashman and second by Mr. Zavinski, the minutes of the April 16, 2012 Public Hearing and Regular Meeting were unanimously approved.

CORRESPONDENCE

Council members acknowledged receipt of the following correspondence:

- Julia Tarr: Notifying the City of her resignation from the Warren Business District Coalition, Inc. dba Warren Main Street, Board of Directors effective May 15, 2012. Ms. Tarr stated that Dan Ristau, Property Manager for the ACA Liberty Street buildings, is to be the contact person for future concerns.
- Community Foundation of Warren, Inc.: Notifying the City of the Foundation's award of \$25,000 toward the refurbishment of the Beaty Park Tennis Courts (part of Phase III of the Beaty Park Improvement Project).

- Mike Olewine, Warren County Visitors Bureau: Asking that City Council support the continuance of the Bureau as a stand-alone entity. The letter indicated that the Warren County Commissioners are considering the designation of the Warren County Chamber of Business and Industry (WCCBI) as the recognized tourist promotion agency for Warren County. It was also indicated that under this plan the Visitors Bureau would be merged with WCCBI.

DEPARTMENT REPORTS – MARCH, 2012

The following reports were presented to Council:

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

REQUESTS FOR USE OF CITY STREETS/PROPERTY

Mayor Phillips presented the following requests:

<u>Organization</u>	<u>Event</u>	<u>Property/Street(s)</u>	<u>Date/Time</u>
a. March of Dimes	March for Babies – Annual Event	Betts Park – western portion and walking trail	Sun. 4/28/13 9:00 AM to 3:00 PM
Motion to approve made by Mr. Lewis, second by Mr. Cashman, approved unanimously.			
b. Warren County Youth Football League	Youth Football practices	Betts Park – grassy area between Musante Field & walking trail	8/20/12 to 10/18/12 5:00 PM to 7:30 PM 1 st two weeks – M, T, W, Th Remainder – T, W, Th
Motion to approve made by Dr. Ferguson, second by Mr. Cashman, approved unanimously.			
c. Northwest Savings Bank	J.D. Power Corporate Celebration	Liberty St.: PA Ave to 2 nd Midtown Lot: Southern portion (behind Conewango Club & Library)	Tues. 6/26/12, 5:30 PM to Wed. 6/27/12, 7:00 PM
Motion to approve made by Mr. Lewis, second by Mr. Zavinski, approved unanimously.			
d. Warren Business District Coalition/Warren Main Street	Warren Philharmonic Pop Concert	Northwest Savings Fountain and adjacent sidewalks Second Ave – Liberty to PA Ave	Thurs. 6/21/12 5:00 PM to 9:00 PM
Motion to approve made by Mr. Harvey, second by Mr. Zavinski, approved unanimously.			
e. Warren Main Street	Liberty Rocks	Liberty St.: 2 nd to 3 rd	Tues. 7/3/12 2:00 PM to 11:00 PM
<ol style="list-style-type: none"> 1. Motion to approve closure of Liberty Street (2nd to 3rd Avenue) made by Mr. Cashman and seconded by Mr. Zavinski. The motion carried with 6 votes in the affirmative and one negative vote cast by Mr. Harvey. 2. Motion to amend “Liberty Rocks” by requiring evidence of a poll of effected businesses indicating that there are no objections to the event and provision of evidence of appropriate license for sale of beer made by Dr. Ferguson and seconded by Mr. Park. The motion carried with 6 votes in the affirmative and one negative vote cast by Mr. Harvey. 			
f. Warren Lodge No. 223 B.P.O. Elks	Annual Flag Day Ceremony	Hickory St. – 3 rd to 4 th Ave.	Thurs. 6/14/12 6:00 PM to 8:00 PM
Motion to approve made by Mr. Park, second by Mr. Lewis, approved unanimously.			

During the discussion pertaining to “Liberty Rocks” Dan Ristau indicated that he will serve as president of the Main Street Board until further notice.

EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) APPLICATION

Chief Zydonik indicated that the City of Warren Police Department is eligible for an award from the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. Funds in the amount of \$11,339 have been earmarked for the Department and will be awarded upon submission of a favorable proposal for use of funds. The Department’s intent is to submit the application with Technology and Equipment Improvements as the proposed use. A requirement of the grant application is documentation that the governing body has been made aware of the application and community members have had an opportunity to provide comment regarding the application. Members of the public in attendance did not offer any comment.

Mr. Cashman made the motion to acknowledge that community members were provided with an opportunity to comment and to authorize submission of the Edward Byrne Memorial Justice Assistance Grant Program application. The motion was seconded by Mr. Park and carried unanimously.

NORTHWEST SAVINGS BANK PARKING LEASE AGREEMENT

Chief Zydonik stated that in preparation for the beginning of construction on their expansion project, Northwest Savings, Inc. requested the use of City-owned properties located at the southeast corner of Pennsylvania Avenue and Liberty Street for the purpose of providing storage and parking for construction vehicles. City staff negotiated with Northwest Savings, Inc. and terms were agreed upon for an eighteen-month lease. The proposed lease agreement was drafted by the City Solicitor and was agreed to by Northwest Savings, Inc.

Upon motion by Mr. Lewis and second by Mr. Harvey, Council members voted unanimously to approve the parking lease agreement with Northwest Savings Bank.

RESOLUTION NO. 2890: ADOPTING A POLICY REGARDING THE PROCUREMENT OF PROFESSIONAL SERVICES CONTRACTS PERTAINING TO THE CITY’S PENSION PLANS

Mrs. Risinger stated that Act 44 of 2009 requires municipal pension systems to develop procedures to select the most qualified person with whom to enter into a professional services contract and to adopt policies relating to potential conflicts of interest in the review of a proposal or the negotiation of a contract. The policies and procedures are to be adopted by resolution of the municipality’s governing body. The proposed policy for the City of Warren was established in accordance with the guidelines and requirements set forth in Act 44. This Policy and Procedure:

1. Insures compliance with applicable state laws.
2. Establishes a fair and equitable system of evaluating and selecting the most qualified candidate for award of a Professional Services Contract.
3. Facilitates standardization of the entire Request for Proposal Process for all municipal pension service contracts of the City of Warren, related pension administrative activities, and publications.
4. Institutes specific Standards of Conduct and other policies pursuant to the requirements of applicable state laws.

Mr. Park made the motion to adopt the resolution establishing a policy for the procurement of professional services contracts pertaining to the City's pension plans. The motion was seconded by Mr. Zavinski and carried unanimously.

ORDINANCE NO. 1814 AND AGREEMENT: DESIGNATING PENNSYLVANIA MUNICIPAL SERVICE COMPANY AS THE COLLECTOR FOR CURRENT AND DELINQUENT WASTEWATER SERVICE CHARGES AND RECYCLING FEES

Mrs. Risinger noted that the Pennsylvania American Water Company has provided notice of its intent to terminate the collection of wastewater (sewer) and recycling charges later this year. In response to this notice, City staff reviewed alternate means by which to collect wastewater charges. Alternatives considered included the establishment of in-house billing and third-party billing agencies. Following presentations made by four third-party billing agencies, City staff determined that this would be the most advantageous and cost-effective method of collection.

Mr. Cashman made the motion to designate the Pennsylvania Municipal Service Company to be the collector for current and delinquent wastewater charges and recycling fees upon termination of billing of these charges by the Pennsylvania American Water Company. The motion was seconded by Dr. Ferguson and carried unanimously.

Mr. Cashman made the motion to adopt the ordinance pertaining to the collection of delinquent wastewater fees and the imposition of associated reasonable costs. The motion was seconded by Dr. Ferguson and carried unanimously.

2012 BITUMINOUS PAVEMENT MILLING AND RESURFACING PROJECT

Mr. Holtz stated that the City's 2012 Street Mill and Overlay budget totals \$403,236.76 which includes \$203,236.76 from the City's State Liquid Fuels monies and \$100,000 from the City's General Fund plus \$100,000.00 to continue the paving of the runway at Betts Park. The runway paving is being funded by a private benefactor who does not wish to be named. With four bids being received, the apparent low bidder for this project is IA Construction Corporation totaling \$514,036.50.

Mr. Holtz stated that in order for the project to proceed within the budget, it was necessary for City staff to eliminate 6,631.12 square yards of material. This resulted in delaying the overlay of three city blocks until 2013. The adjusted cost to the City's General Fund is estimated to be \$95,354.08.

Upon motion by Mr. Harvey and second by Mr. Lewis, Council members voted unanimously to approve award of the 2012 Bituminous Pavement Milling and Resurfacing Project contract to IA Construction and to confirm the street resurfacing list.

TENNIS COURT USE POLICY

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. Ms. Nau indicated that signage located at tennis courts would be updated to provide the general parks rules and regulations as well as the Tennis Court Use Policy and provisions would be made for the posting of times during which the courts are reserved.

During discussion, it was noted that City tennis courts are frequently in use prior to the posted opening time of the parks. Mr. Harvey expressed his concern regarding over regulation.

Mr. Lewis made the motion to adopt the Tennis Court Use Policy and to amend the hours of use to dawn to 11:00 PM daily. The motion was seconded by Mr. Park and carried with six votes in the affirmative and one negative vote cast by Mr. Harvey.

APPROVED MINUTES OF BOARDS AND COMMISSIONS

Council acknowledged receipt of the following approved minutes:

Planning Commission – February 15, 2012 Regular Meeting

ANCHOR BUILDING PROJECT UPDATE

Dr. Ferguson reported that he, Mr. Park, and Mr. Cashman continue to meet with other parties of interest regarding the Allegheny Center for the Arts building (now Liberty Commons). He stated that significant progress has been made toward installation of window glass by Sterling Glass with funding to be provided by the Community Foundation of Warren County. He further stated that volunteers will remove the temporary wood façade and scaffolding. Eriez Construction will then arrange for their scaffolding to be removed from the site.

CITY OF WARREN CONVENTION CENTER AUTHORITY (WCCA)

Mr. Lewis made a motion to terminate the City of Warren Convention Center Authority at the City's earliest convenience and to seek reimbursement for WCCA expenses paid by the City. The motion failed as there was not a second.

In response to Mr. Harvey's question as to whether City Council has the authority to terminate the Authority, Ms. Stapleford indicated that she would need to review this matter. Mr. Harvey expressed his concerns regarding the degree of control the City currently has in regard to the site of the proposed hotel and convention center. Ms. Nau indicated that a ground lease agreement is in effect between the City and Warren Hospitality Associates and further indicated that she has requested that Ms. Stapleford review the agreement.

ADJOURNMENT

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