

**WARREN CITY COUNCIL  
REGULAR MEETING  
JUNE 15, 2015 – 7:30 PM**

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**PUBLIC HEARING: PROPOSED ZONING MAP AMENDMENT**

Council Vice-President John Lewis opened the Public Hearing. 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 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 stated that this hearing was held (7:30 PM on June 15, 2015, in the Council Chambers of the Municipal Building at 318 West Third Avenue) for the purpose of obtaining citizens' views and comments.

Wendy Lee, tenant at one of the subject properties, addressed Council and stated her concerns regarding the hardship that a move from this property will create for her. Brett Thomas, representing PGE, indicated that all property owners were advised of the company's plans for the properties.

**PUBLIC HEARING: PROPOSED CDBG FFY 2011 BUDGET MODIFICATION**

Council Vice-President John Lewis opened the Public Hearing. Mr. Hildebrand stated that it is proposed that a Budget Modification Application be submitted to the Pennsylvania Department of Community and Economic Development under the Small Communities Program (SCP) for FFY 2011 funds.

The City of Warren proposed the reallocation of \$35,000 of funding from the Removal of Architectural Barriers activity to the Street/Road Improvements (East Street, Sixth to Seventh Avenue) activity.

Mr. Hildebrand stated that this hearing was held (7:30 PM on June 15, 2015, in the Council Chambers of the Municipal Building at 318 West Third Avenue) for the purpose of obtaining citizens' views and comments.

Mrs. Pauline Steinmeyer addressed Council and stated her concern that more information regarding the purpose of the budget modification was not provided prior to the meeting held this date and further noted her belief that citizen participation is important. Mrs. Steinmeyer also noted her assumption that the removal of funds from the Architectural Barrier activity was the result of work being completed and the funds no longer being required for this activity.

There being no other citizens wishing to comment, Mr. Lewis closed the Public Hearing.

**PUBLIC HEARING: PROPOSED CDBG FFY 2012 BUDGET MODIFICATION**

Council Vice-President John Lewis opened the Public Hearing. Mr. Hildebrand stated that it is proposed that a Budget Modification Application be submitted to the Pennsylvania Department of Community and Economic Development under the Small Communities Program (SCP) for FFY 2012 funds.

The City of Warren proposed the reallocation of \$65,000 of funding from the Removal of Architectural Barriers activity to the Street/Road Improvements (East Street, Sixth to Seventh Avenue) activity.

Mr. Hildebrand stated that this hearing was held (7:30 PM on June 15, 2015, in the Council Chambers of the Municipal Building at 318 West Third Avenue) for the purpose of obtaining citizens' views and comments.

Mrs. Pauline Steinmeyer re-stated her comments made in regard to the Proposed FFY 2011 Budget Modification.

There being no other citizens wishing to comment, Mr. Lewis closed the Public Hearing.

### **OPENING OF REGULAR MEETING**

Council Vice-President John Lewis presided over the June 15, 2015 regular meeting of Warren City Council in Council Chambers of the Municipal Building and opened the meeting with the Pledge of Allegiance.

Mr. Lewis stated that Council met in executive session on this date for discussion of personnel matters and potential litigation regarding Tutmaher and CPW properties.

### **ROLL CALL**

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

### **RECOGNITION OF VISITORS**

Mr. Lewis welcomed all visitors. Present were:

- Wendy Lee: Regarding Zoning Map Amendment
- Tim Farnsworth: Regarding Zoning Map Amendment
- David Sobina: Regarding Zoning Map Amendment
- Brett Thomas: Regarding Zoning Map Amendment
- Karen Thomas: Regarding Zoning Map Amendment
- Ashley Horduskey-Fiske: Regarding Zoning Map Amendment
- Pauline Steinmeyer: Regarding CDBG Budget Modifications
- Barbara Lucia: Regarding PAMS Sewer Billing
- Dan Ristau: Regarding Parking
- Julia Tarr: Regarding Parking
- Jeff Clark, Boonies International: Observing
- Rob Anderson: Times Observer Reporter

### **APPROVAL OF MINUTES**

Upon motion by Mr. Zavinski and second by Mr. Kolcharno, the minutes of the May 18, 2015 Regular Meeting were unanimously approved by Council members present.

Upon motion by Mr. Fraser and second by Mr. Harvey, the minutes of the June 1, 2015 Special Meeting were approved with four votes in the affirmative and Dr. Ferguson and Mr. Kolcharno abstaining as they were not present at that meeting.

**CORRESPONDENCE**

There was no correspondence to come before Council.

**ORDINANCE NO. 1856: ZONING MAP AMENDMENT**

See Public Hearing above.

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 of R-2, Residential Medium Density to R-3, Residential High Density.

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Mr. Fraser noted that Ms. Lee’s concerns, as stated during the Public Hearing, pertain to the contractual relationship between her and her landlord and that Council, while sympathetic, is unable to address such.

Dr. Ferguson made the motion to approve the Zoning Map Amendment designating the stated properties as R-3, Residential, High Density. Mr. Harvey seconded the motion which carried unanimously among the six Council members present.

**CDBG FFY 2011 AND FFY 2012 BUDGET MODIFICATIONS**

See like-captioned Public Hearings above.

Mr. Harvey inquired as to why the budget modifications are necessary. Mr. Hildebrand stated that additional funding is needed within the Street/Road Improvements Activity in order to complete the East Street Improvement Project. He further noted that the bids for work completed under the Removal of Architectural Barriers Activity were significantly lower than anticipated and, therefore, funding remains available. Mrs. Freenock indicated that the City has completed work under the Removal of Architectural Barriers Activity to the extent possible at this point in time.

Dr. Ferguson made the motion to approve the FFY 2011 CDBG Budget Modification providing for the reallocation of \$35,000 from the Removal of Architectural Barriers Activity to the Street/Road Improvements Activity (East Street). The motion was seconded by Mr. Zavinski and carried unanimously among the six Council members present.

Mr. Fraser made the motion to approve the FFY 2012 CDBG Budget Modification providing for the reallocation of \$65,000 from the Removal of Architectural Barriers Activity to the Street/Road Improvements Activity (East Street). The motion was seconded by Mr. Kolcharno and carried unanimously among the six Council members present.

**RESOLUTION NO. 2984: COMMITMENT TO SAFETY/RISK MANAGEMENT**

Mrs. Freenock indicated that the City’s primary insurance carrier is PennPRIME Trust which is a shared-risk pool for municipalities. In order to qualify for the lowest possible rates, the City is required to establish and maintain certain loss control standards.

PennPRIME Loss Control Standard Number One requires the City, by way of resolution, to confirm its commitment to Safety/Risk Management.

Mr. Fraser made the motion to approve the Resolution affirming the City's Commitment to Safety/Risk Management. The motion was seconded by Mr. Harvey. The motion, as amended below, was unanimously approved by the six Council members present.

Mr. Fraser made the motion to amend the proposed resolution by inserting "as feasible and budgeted" in enumerated item number 3. The motion was seconded by Mr. Harvey and carried unanimously among the six Council members present.

#### **CITIZEN CONCERNS REGARDING SEWER ACCOUNT BILLING**

Barbara Lucia, Pennsylvania Avenue West, addressed Council regarding sewer account billing which is performed by Pennsylvania Municipal Services (PAMS). Mrs. Lucia stated that she believes that the City's current contract with PAMS will soon expire and asked that Council consider returning to a system of in-house billing for sewer accounts. Mrs. Lucia stated that the bills generated by PAMS are "incomprehensible" and further stated that she believes that the fees charged by PAMS are too high.

Mrs. Freenock stated that when bids were solicited for sewer account billing services in 2012 the next lowest bid was for nearly double that of PAMS. She indicated that she and staff members recently met with the president of PAMS to discuss staff concerns as well as those concerns that had been received from citizens. Additional information will be provided to Council at a later date and will include information to be submitted by Ms. Stapleford.

Mrs. Freenock noted that to return to in-house billing, personnel costs would be approximately \$45,000 per year in addition to software costs while the current contract with PAMS is for approximately \$38,000 annually.

#### **TEMPORARY CONSTRUCTION EASEMENT FOR CLARK STREET FORCE MAIN**

Ms. Stapleford stated that in executive session this date, potential litigation between the City and CPW Properties was discussed and asked for a motion to approve the temporary construction easement agreement that was discussed.

Mr. Kolcharno made the motion to approve the temporary construction easement agreement as presented during the June 15, 2015 executive session. The motion was seconded by Mr. Harvey and carried unanimously among the members present.

#### **NATIONAL FUEL GAS RIGHT-OF-WAY**

Mr. Holtz stated that as part of the upgrade to the Pine Street Pump Station, natural gas is needed to heat the facility. In order for the pump station to be serviced, a small main extension must be constructed. To formalize the permission for National Fuel Gas to enter upon City property for these upgrades, it is necessary to enter into a Right-of-Way Agreement.

Mr. Fraser made the motion to approve the National Fuel Gas Right-of-Way for the Pine Street Pump Station upgrade project. The motion was seconded by Mr. Harvey and carried unanimously among the six Council members present.

#### **AGREEMENT: MUTUAL RELEASE AND SETTLEMENT**

Ms. Stapleford stated that this agreement relates to a matter of potential litigation as discussed in executive session this date and requested a motion to approve the Mutual Release and Settlement Agreement as discussed.

Dr. Ferguson stated his thought that denial of the claim by insurance carriers would indicate cause to not enter into a release and settlement agreement.

Mr. Kolcharno made the motion to approve the Mutual Settlement and Release Agreement as presented during the June 15, 2015 executive session. The motions was seconded by Mr. Zavinski and carried with five votes in the affirmative, one nay vote cast by Dr. Ferguson, and one member absent.

### **DOWNTOWN PARKING**

Dan Ristau addressed Council and stated that the “largest retailer” is leaving and stated that parking was the “nail in the coffin.” Mr. Ristau requested that Council address parking this date by acting to remove parking meters from the Post Office area and by reducing fines for parking violations.

Julia Tarr addressed Council and stated that she shares Mr. Ristau’s concerns. She further requested that a courtesy fine box be installed in a highly visible location on Pennsylvania Avenue West between Second Avenue and Hickory Street.

Chief Zydonik indicated that he will review the locations of existing fine boxes and provide information to Council.

### **MUNICIPAL BUILDING ADA SELECTIVE IMPROVEMENTS**

Mr. Hildebrand stated that the existing ramp which provides Americans with Disabilities Act (ADA) access to the Municipal Building was constructed in 1994 and there have been significant changes in accessibility requirements since that time. Likewise, the public restroom in the foyer of the building and the first floor drinking fountain are not ADA accessible. (Collectively, ADA Selective Improvements).

The current Redevelopment Assistance Capital Project (RACP) does not include work to be performed on the ramp, restroom, or drinking fountain; therefore, it was suggested that such work be completed as a companion project using FFY 2011 Community Development Block Grant (CDBG) funds.

The FFY 2011 CDBG allocation includes \$90,000 for Removal of Architectural Barriers. It was proposed that this funding be utilized to complete the proposed accessibility accommodations.

Funds to design the project cannot be paid through CDBG unless the service is bid. Due to CDBG program constraints, 2011 funds must be expended by the end of 2015 which does not provide sufficient time to bid both the design and construction phases of this project. Therefore, it was requested that \$10,000 in fund balance be allocated to pay for design services.

R.W. Larson Architects (which is handling the RACP Municipal Building design), submitted a proposal for the ADA improvements project and, in consideration of the firm’s familiarity with the building, it was recommended that it be selected to perform architectural professional services for the proposed ADA project at a cost not to exceed \$10,000.

Mr. Fraser made the motion to allocate \$10,000 from the General Fund for the design of the ADA Selective Improvements Project for the Municipal Building. The motion was seconded by Mr. Lewis and carried with five votes in the affirmative, one nay vote cast by Mr. Harvey, and one member absent.

Dr. Ferguson made the motion to accept the proposal of R. W. Larson Associates, P.C. for Municipal Building ADA Selective Improvements and authorization to utilize FFY 2011 Community Development Block Grant funding to complete construction of the project. The motion was seconded by Mr. Lewis and carried with five votes in the affirmative, one nay vote cast by

Mr. Harvey, and one member absent.

**ORDINANCE NO. 1857: VACATION OF LACY STREET**

Mr. Holtz stated that Betts Industries requested that the City consider vacating Lacy Street in its entirety. Lacy Street is one block in length and runs between Pennsylvania Avenue West and Allegheny Avenue. Betts Industries owns all properties adjacent to Lacy Street.

Mr. Holtz noted that the City would reserve a right-of-way for existing utility poles and the sanitary sewer.

Upon motion by Mr. Fraser and second by Mr. Kolcharno the six Council members present voted unanimously to approve the ordinance providing for the vacation of Lacy Street.

**AUTHORIZATION TO HIRE VIA A TEMPORARY AGENCY**

Mrs. Freenock requested permission to hire a full-time “floater” secretary. She indicated that efforts will be made to hire via a temporary employment agency; however, if this is not successful, she will come back to Council for approval to hire a full-time employee.

Mr. Kolcharno made the motion to authorize the hire of a full-time “float” secretary through a temporary agency. The motion was seconded by Mr. Zavinski and carried unanimously among the six Council members present.

**DEPARTMENT REPORTS – MAY, 2015**

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 | – | April 7, 2015     | Regular Meeting |
| Planning Commission             | – | February 18, 2015 | Regular Meeting |
| Street Landscape Committee      | – | April 21, 2015    | Regular Meeting |
| Special Event Status Report     |   |                   |                 |

**PARKING**

Dr. Ferguson requested that efforts be made to ensure that citizens are aware that the first half hour of parking at the Midtown Parking Lot is free of charge.

Dr. Ferguson made the motion to stringently enforce the three-hour parking limit at parking meters. The motion was seconded by Mr. Fraser and carried with five votes in the affirmative, one nay vote cast by Mr. Lewis, and one member absent.

**ADJOURNMENT**

There being no further business to come before Council, Mr. Lewis declared the meeting adjourned.