

**WARREN CITY COUNCIL  
REGULAR MEETING  
JUNE 16, 2014 – 7:30 PM**

---

**OPENING OF MEETING**

Mayor Cashman presided over the June 16, 2014 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 met in Executive Session immediately prior to this meeting regarding real estate owned by the City and litigation regarding the sign ordinance and Building Codes.

**ROLL CALL**

Members present and responding to roll call were: Mayor Maurice Cashman, Dr. Howard Ferguson, Gregory Fraser, Richard Kolcharno, and James A. Zavinski, Sr. Samuel Harvey and John Lewis were absent. 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 Glotz: Walkable Warren Project
- Farley Wright: Walkable Warren Project
- Bill Thompson, 4<sup>th</sup> of July Committee: Overnight camping at Betts Park
- Joan Swartz, 4<sup>th</sup> of July Committee: Overnight camping at Betts Park
- Dan Ristau, Main Street President: Proposed Parking Plan
- Julia Tarr, downtown business owner: Proposed Parking Plan
- ~~Tom~~ Todd Bowersox, downtown business owner: Proposed Parking Plan *Corrected 7/21/14*
- Barb Lucia, 1307 Pennsylvania Avenue West: Proposed Parking Plan
- Pauline Steinmeyer, 18 Prospect Street: Observing
- Alex Harrison, 333 Buchanan Street: Observing
- Josh Cotton, Times Observer reporter

**APPROVAL OF MINUTES**

Upon motion by Mr. Zavinski and second by Dr. Ferguson, the minutes of the May 19, 2014 Regular Meeting were unanimously approved by Council members present.

Upon motion by Dr. Ferguson and second by Mr. Zavinski, the minutes of the June 2, 2014 Special Meeting were unanimously approved by Council members present.

**CORRESPONDENCE**

Council members acknowledged receipt of correspondence from State Senator Scott Hutchinson regarding the City's letter in support of legislation that would permit local law enforcement agencies to utilize RADAR speed detection equipment.

**WALKABLE WARREN**

Ms. Nau stated that Farley Wright and Dan Glotz are working on a project known as "Walkable Warren" to promote healthy living through walking and cycling in the City and surrounding areas. They are working to connect existing bike/walk paths and recreation areas via routes traversing the City with the goal being to draw pedestrians and cyclists to the core downtown area and, thereby, encourage healthy activity and promote the City's business community.

Farley Wright and Dan Glotz provided a presentation outlining the Walkable Warren Project and proposed trailways. Their plan would link the existing bike/hike trail to the north with locations throughout the City including the Transit Authority of Warren County (TAWC) building, Breeze Point Landing, the planned Riverwalk and Overlook on Pennsylvania Avenue, Betts Park, and various historical locations. It was noted that each of the proposed routes incorporates the use of existing sidewalks for pedestrians and mechanisms to enhance the safety of street crossings, particularly on Pennsylvania Avenue are being researched. The plan calls for the installation of bike racks and informational kiosks at various locations including the TAWC building and Breeze Point Landing. Mr. Glotz noted that Youngsville Boro has discussed plans for a trail linking the Boro to the City of Warren.

Mr. Wright and Mr. Glotz indicated that they are not seeking funding from the City. However, they requested that the City provide assistance with the placement of the planned kiosks, bike racks, and signage. To aid in the furtherance of the project, it was requested that City Council endorse the Walkable Warren Concept.

Mr. Fraser made the motion to approve the concept of Walkable Warren as presented by Dan Glotz and Farley Wright. The motion was seconded by Dr. Ferguson and carried unanimously among the Council members present.

### **PROPOSED PARKING PLAN**

Dr. Ferguson prefaced discussion on this topic by noting that the purpose of addressing and developing a new parking plan is to end the annual deficit in the Parking Fund and eliminate the necessity of subsidizing it with real estate tax dollars. He further noted that the proposed plan is the final document from the Committee and any changes made thereto will be by City Council.

Dr. Ferguson stressed that the Committee strove to develop a plan that would “provide the greatest good for the greatest number.”

Mr. Wilson noted that the Parking Committee was formed in January 2014 with goals which were outlined as 1) Increased parking turnover in the downtown parking area; 2) Ending deficiency in the Parking Fund by generating new-source revenue; and 3) Developing a program that will provide sustainable operations for the Clark Street Parking Garage and the Midtown Lot. It was noted that the Committee held numerous meetings including public meetings at which public comment and input regarding the proposed plan were received.

There was considerable discussion regarding the Plan followed by public comment including:

1. Todd Bowersox, downtown business owner, presented a petition bearing forty-six signatures and which stated, “We, the undersigned, do hereby request that further thought and study be done prior to a vote being made on the best practices solution of our current downtown business/residential parking enforcement plan. We ask that this be done with the input and consideration of the businesses and residents most affected by any change in the current parking program.”

Mayor Cashman noted that the most recent public meeting was held on June 9 with good attendance. He further noted that the prevalent concern at this meeting was the hourly rate which had been suggested at \$2 and, as a result, the current proposal is for \$1 per hour.

In response to Mr. Bowersox’ question as to how the new meters and kiosks would be financed, Mrs. Freenock stated that it is proposed that they be funded by a five-year loan for which parking revenues would cover the debt service.

Mr. Bowersox noted the number of non-reserved spaces in the Clark Street Parking Garage and suggested that spaces be offered at an annual rate of \$10 per month.

2. Dan Ristau, downtown business owner and Main Street President, expressed concern that more time should be given to addressing the proposed Parking Plan and to the possible impact to on-street parking in residential areas surrounding the downtown business district. Mr. Ristau also expressed concern that the Plan may have a negative impact on small businesses in the downtown.
3. Julia Tarr, downtown business owner, asked that the matter be tabled until such time as all Council members are present. Ms. Tarr stated that many business owners are concerned regarding the possible impact of the Plan. She also suggested that there be more efforts toward public awareness.
4. Barbara Lucia, City resident, stated that she had spoken to “many ladies in downtown stores” who, although they did not attend the public meetings, are not in favor of the proposed Plan. She stated that these individuals voiced concerns regarding the condition of the Clark Street Parking Garage and indicated that they would not park there.

Dr. Ferguson noted that the City has established a schedule for a thorough cleaning of the Parking Garage and provided the timeline for the project.

At the conclusion of public comments, Dr. Ferguson thanked those who provided comment and stated that should legitimate concerns surface following implementation of the Parking Plan, they will be addressed. Mayor Cashman added his thanks to the Parking Committee for their efforts in developing the Plan.

Mr. Fraser made the motion to authorize the City Administration to prepare an ordinance based on discussion regarding the proposed parking plan for debate and action. The motion was seconded by Dr. Ferguson and carried unanimously among the Council members present.

Mrs. Freenock noted that discussion of the General Fund Balance is on the agenda. She noted that City staff has researched loan rates and has found that trucks slated for purchase by the Department of Public works could be financed at a rate of 2.1%, the purchase of parking enforcement equipment could be financed at a rate of 3.1% and the combined purchase of DPW trucks and parking enforcement equipment could be financed at a blended rate of 2.75% for five years. She noted that lenders do not seem to look favorably at financing parking meters. Mrs. Freenock acknowledged Council’s prior direction to make the DPW vehicle purchases as cash purchases; however, she expressed her continuing concern regarding the level of the General Fund Balance. Mrs. Freenock requested Council’s consideration to authorize City Staff to lock in interest rates to the best of their ability.

Mr. Fraser made the motion to authorize City Administration to research and to present to Council a purchase of the equipment to carry out the parking plan as proposed along with financing. The motion was seconded by Mr. Zavinski.

Mr. Fraser made the motion to amend the above motion by authorizing the City Administration to bring Council a concrete proposal for the bidding of a fair contract for financing of whatever equipment that is going to be authorized by Council. The motion was seconded by Mr. Zavinski and carried unanimously among the Council members present.

Mr. Fraser's original motion, as amended, carried unanimously among the Council members present.

**RESOLUTION NO. 2954: SALE OF PROPERTY – FRANK STREET (PORTION OF MULBERRY PARK)**

Ms. Stapleford noted that at the April 21, 2014 regular meeting, Council approved the subdivision of a portion of Mulberry Park for the purpose of its sale by bid. The subject portion is located at the "upper" end of the park adjacent to Frank Street and is not a part of the commonly used recreation area of the park. Due to the terrain, it is not foreseeable that this portion of the park would otherwise be developed by the City.

Mr. Fraser made the motion that Lot 2 as described on the schematic be offered for auction sale by sealed bid to the highest qualified bidder subject to the City's approval and with the highest bid to be in addition to the recognized costs incurred by the City of \$6000 in preparing the lot for sale for Bid Lot 2 and it would be subject to a twenty-foot right-of-way along the east side of the lot which is along the City line extending to the rest of Mulberry Park from Frank Street. The motion was seconded by Dr. Ferguson and carried unanimously among the Council members present.

Mr. Fraser made the motion that Lot 3 as outlined on the schematic and which is in Glade Township be offered for sale by sealed bid to the highest bidder plus costs of \$6000 with Oil, Gas, and Mineral Rights that are presently owned by the City to be reserved and retained by the City instead of being conveyed with the lot without a reserve price. The motion was seconded by Mr. Zavinski and carried unanimously among the Council members present.

Mr. Fraser stated that it should be understood that if one individual purchases Lot 2 and Lot 3, the costs would be paid only one time.

**RESOLUTION NO. 2955: SALE OF PROPERTY – ELM STREET PARKING LOT**

Ms. Stapleford noted that the sale of property known as the Elm Street Lot has been a matter of discussion for quite some time. The necessary survey and legal research has been completed and it is now the recommendation of City staff that the parcels comprising the Lot be offered for sale.

Mr. Fraser made the motion to adopt a resolution to approve a Quit Claim Deed to convey the thirty by fourteen foot parcel colored in orange on the schematic conveying that by Quit Claim to the owner of parcel WN-587-11699 subject to their payment of costs for preparation of the deed. The motion was seconded by Dr. Ferguson and carried unanimously among the Council members present.

Mr. Fraser made the motion to adopt a resolution to enter into a boundary line agreement that would define the northerly line of the property identified in green on the schematic and that that boundary line agreement be entered into with the property owners adjoining that line to the north. The motion was seconded by Mr. Kolcharno and carried unanimously among the Council members present.

Mr. Fraser made the motion to adopt a resolution exposing Lot WN-587-1191 to public auction by sealed bid to the highest bidder plus costs of \$3500 which lot would be subject to easements for ingress and egress for all property owners on the northerly side of the lot. The motion was seconded by Mr. Zavinski and carried unanimously among the Council members present.

Mr. Fraser made the motion to adopt a resolution to expose for sale by public auction by sealed bid the easterly portion of WN-887-1185 as identified in yellow on the schematic to the highest bidder

plus costs of \$3500 with the condition that said lot be subject to a condition that the lot be used for parking. The motion was seconded by Dr. Ferguson and carried unanimously among the Council members present.

Mr. Fraser made the motion to adopt a resolution to expose the western portion of parcel WN-587-1185 colored in blue on the schematic for sale to the public by sealed bid to the highest bidder in addition to costs of \$2000 and subject to an easement as presently exists as a license agreement with the fifteen feet servicing a drive-through operation upon WN-587-1127 with said easement to endure for so long as the drive-through exists on that property. The motion was seconded by Mr. Kolcharno and carried unanimously among the Council members present.

### **PROPOSED RESOLUTION: GASB 54 STANDARDS**

Mrs. Risinger stated that in 2011 City Council adopted Resolution No. 2880 which implemented standards as required under the Government Accounting Standards Board (GASB) Statement No. 54, "Fund Balance Reporting and Governmental Fund Type Definitions."

Section 1.D., Minimum Level of Unassigned Fund Balance, of that resolution stipulates that the City "maintain a minimum unassigned general fund balance of four percent (4%) of the City's general fund annual operating expenditures." So that the City may maintain a sufficient fund balance to carry through the months prior to the onset of the collection of real estate taxes and to address unforeseen excess expenditures, City Staff recommended that the Minimum Level of Unassigned Fund Balance be increased to nine percent (9%) of the general fund annual operating expenditures.

Mrs. Freenock stated that she extended an invitation to all Council members to meet with her regarding the General Fund balance and all but one member had been able to meet. Mrs. Freenock expressed her concern in regard to not maintaining a sufficient fund balance and the resultant potential to need a Tax Anticipation Note. Also noted was the manner in which Department of Public Works vehicles and parking enforcement equipment are to be purchased. Preliminary rate quotes have been received for loan financing; however, it was noted that a delay in making application may result in increased rates.

Following discussion, Council members present concurred that it would be preferable to address the proposed resolution during development of the 2015 budget. Therefore, no action was taken on the proposed resolution.

### **RETENTION OF LEGAL COUNSEL FOR REVIEW OF INTERMUNICIPAL SEWER SERVICE AGREEMENTS**

Mr. Holtz stated that the City previously entered into Intermunicipal Sewer Service Agreements with Conewango Township (1994), Glade Township (1995), and Pleasant Township (1996). Under the terms of these agreements the City reserves capacity at the Wastewater Treatment Plant to receive and process wastewater from each of the respective townships. It is the City's interpretation of the agreements that the three townships are to share in the costs of the Wastewater Treatment and Conveyance Facilities Project which is being undertaken under decree by the Pennsylvania Department of Environmental Protection (DEP).

The City has been made aware that the respective townships do not agree with the City's interpretation of the agreements and one township has submitted a letter of inquiry regarding the agreement. To ensure that there is not current legislation and/or regulations which would affect the legality of the agreements, it was requested that City Council authorize the retention of legal counsel to conduct a review of the agreements and also to defend the City regarding the

agreements should this become necessary. It was recommended that the firm of MacDonald, Illig, Jones, and Britton, LLP, be retained as this firm has extensive experience in dealing with this type of municipal agreement.

Mr. Fraser made the motion to authorize retention of the law firm of MacDonald, Illig, Jones, and Britton, LLP, for review of the Intermunicipal Sewer Service Agreements between the City of Warren and Conewango, Glade, and Pleasant Townships and to defend the City in this matter should it become necessary. The motion was seconded by Dr. Ferguson and carried unanimously among the Council members present.

#### **MUNICIPAL BUILDING PARKING LOT AND DPW GARAGE PUBLIC ACCESS AREA PAVING**

Mr. Holtz noted that at the Special Council Meeting held on June 2, Mayor Cashman suggested that consideration be given to paving the Municipal Building parking area as well as the public access area at the DPW Garage (yard debris drop-off). This would be for improved safety for members of the public who visit these facilities as well as employee safety. At that time, the amount of \$80,000 was discussed for completion of the work.

Mr. Holtz indicated that he has met with one of the contractors with which the City currently has a contract for this type of work and it was determined that the suggested \$80,000 would be sufficient to complete these paving projects.

Mr. Zavinski made the motion to approve the use of \$80,000 from the General Fund for milling and paving the Municipal Building parking area and the DPW Garage public access area. The motion was seconded by Mr. Kolcharno and carried unanimously among the Council members present.

#### **APPOINTMENTS TO STREET LANDSCAPE COMMITTEE & PLANNING COMMISSION**

Mrs. Freenock reported that Josephine (Josie) Gerardi advised the City that she wishes to be considered for appointment to the Street Landscape Committee. Ms. Gerardi previously held a seat on the Committee and at one time chaired the Committee. The Committee may have a membership of up to 15 members and currently has 7 members. This appointment will be for the balance of a four-year term which will expire December 31, 2017.

Due to the recent resignation of a member, there is a vacancy on the Planning Commission. The City received an application from Ms. Charles (Chuck) Gray to serve on the Commission. This appointment will be for the balance of a four-year term which expires on December 31, 2014.

Mr. Zavinski made the motion to appoint Josephine Gerardi to the Street Landscape Committee for the balance of a four-year term which will expire on 12/31/2017 and to appoint Ms. Charles Gray to serve the balance of a term on the Planning Commission which will expire on 12/31/2014. The motion was seconded by Mr. Fraser and carried unanimously among the Council members present.

#### **OVERNIGHT CAMPING PERMITS: JULY 4 CELEBRATION AT BETTS PARK**

Ms. Nau noted that City Ordinance No. 1846 which regulates the operation of Park, Recreation, Preservation and Conservation Areas includes a provision for overnight camping/tents pursuant to a permit issued through City Council. The 4<sup>th</sup> of July Committee will host a three-day celebration at Betts Park beginning July 3. Included in their program are several out-of-town vendors and the Committee members themselves who, for security purposes and convenience for the workers, have requested permission to allow overnight camping July 3 through 6.

Mr. Kolcharno made the motion to authorize the issuance of overnight camping permits for July 3 through July 6, 2014 for vendors and volunteers associated with the 4<sup>th</sup> of July Committee's celebration at Betts Park. The motion was seconded by Mr. Zavinski and carried unanimously among the Council members present.

**REJECTION OF BIDS: BETTS PARK RESTROOM BUILDING PROJECT**

Mr. Sceiford reported that the City received bids for the reconstruction of a restroom building adjacent to the ball fields at Betts Park. Bids opened on June 9 were higher than funds budgeted and exceed the monies allocated for the project at this time. Following review of the bids, City staff recommended that Council reject all bids. Mr. Sceiford noted that the project will likely be re-bid in 2015 pending award of Department of Conservation and Natural Resources grant funding.

Dr. Ferguson made the motion to authorize rejection of all Betts Park Restroom Building Project bids received June 9, 2014. The motion was seconded by Mr. Kolcharno and carried unanimously among Council members present.

**DEPARTMENT REPORTS – MAY, 2014**

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 & Recreation Commission	- April 8, 2014	Regular Meeting
	May 20, 2014	Special Meeting
Planning Commission	- April 16, 2014	Regular Meeting
Street Landscape Committee	- April 22, 2014	Regular Meeting

**ADJOURNMENT**

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