

**WARREN CITY COUNCIL
PUBLIC HEARING AND REGULAR MEETING
JUNE 20, 2016 – 7:30 PM**

PUBLIC HEARING: PROPOSED AMENDMENT TO ZONING ORDINANCE

Mayor Maurice Cashman opened the Public Hearing. Mr. Hildebrand stated that the City of Warren Zoning Ordinance does not presently contain regulations specific to basement residential dwelling units within the C-1 Central Commercial Zoning District. Therefore, to allow any future basement residential dwelling units, it was proposed that the Zoning Ordinance be amended by the addition of a new permitted use and a new definition.

There being no citizens wishing to comment, Mayor Cashman closed the Public Hearing

OPENING OF MEETING

Mayor Cashman presided over the June 20, 2016 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 in regard to real property matters immediately prior to this meeting.

ROLL CALL

Members present and responding to roll call were: Mayor Maurice Cashman, Elissa Davis, Gregory Fraser, Philip Gilbert, Richard Kolcharno, John Lewis, James A. Zavinski, Sr., and Janelle Balas, Junior Council Member. Members of City Staff present were Mr. Hildebrand, Mr. Holtz, Mrs. Leary, Ms. Nau, Chief Pascuzzi, Mrs. Risinger, Mr. Sceiford, Chief Zydonik, and Ms. Stapleford as well as Police Officers A. Kosterman, N. Bond, K. Grey, and M. Mumford.

RECOGNITION OF JANELLE BALAS, JUNIOR COUNCIL MEMBER

Mayor Cashman presented Miss Balas with an embossed case inscribed with her name and a pen inscribed with "City of Warren." Mayor Cashman thanked her for her service as a Junior Council member and, on behalf of Council, wished her well as she embarks on her college studies.

APPROVAL OF MINUTES

Upon motion by Mr. Fraser and second by Mr. Lewis, the minutes of the May 16, 2016 Regular Meeting were unanimously approved by Council members present.

RECOGNITION OF VISITORS

Mayor Cashman welcomed all visitors. Present were:

- Dick Balas: Regarding Junior Council Member recognition – Janelle Balas
- Pauline Steinmeyer: Citizen observing
- Josh Cotton: Times Observer Reporter

City Residents Present Regarding Outdoor Burning Regulations:

Emily Colvin	Valerie Madigan	David Madigan
Alex Colvin	Pam Colvin	Sara Stewart
Steve Morrison	Chris Springer	Lori Springer
Cindy Brader	Vicki Surdyk	Clark Russ
Kevin Sheehy	Justine Ross	Tammy Dussia
Mark Dussia	Julia Tarr	Judy Albaugh
Angela Faga	Benjamin Kraft	Laura Kraft
Ashley Hordusky	Brandi Buchanan	Richard Confer, Jr.
Trevor Snook	Cheryl Cumberland	Susan Newton

Anthony Ross
Jeff Carlson
Heidi Villella
Allen Stewart
Renee Anthony
Taylor Christie
Mary Anderson
Candy Martin
Sam Harvey

Jill Kerekanich
Ron Keeney
John Campbell
Carole Stewart
Mary Mundt
Melissa McDunn
Susan Wilson
Alex Baldwin

Kelly Carlson
Nicole Peterson
Ashley Campbell
Missy Rogers
Ellen Scalise
Susan Olson
Andrew Baldwin
Jeremy Siliano

Present Regarding Outdoor Burning Regulations:

Brandi Buchanan, Mead Twp. Ken Hartley, Titusville
Abbie Buerkle, Pleasant Twp. Jean Buerkle, Pleasant Twp.
Todd Chiaravolloti, Pleasant Twp.

CORRESPONDENCE

Council members acknowledged receipt of correspondence from Congressman Glenn “GT” Thompson congratulating the City for again being designated as a “Tree City USA” community.

ORDINANCE NO. 1869: AMENDING ZONING ORDINANCE

Mr. Hildebrand stated that the City of Warren Zoning Ordinance did not contain regulations specific to basement residential dwelling units within the C-1 Central Commercial Zoning District. Therefore, to allow any future basement residential dwelling units, it was proposed that the Zoning Ordinance be amended by the addition of a new permitted use and a new definition.

The proposed changes were outlined as follows:

- Permitted uses within the C-1 District:
 - Current – Residential above the first floor
 - Proposed – Residential except street level
- New Definition:
 - Proposed – Street Level: That floor of the building constructed to provide the principal entrance to the property.

Mr. Hildebrand noted that the Planning Commission voted unanimously to recommend approval of the proposed amendment. The Warren County Planning and Zoning Commission also reviewed and recommended approval of the proposed amendment.

Mr. Lewis made the motion to approve the amendment to the Zoning Ordinance as it pertains to residential use in the C-1 Central Commercial District. The motion was seconded by Mr. Zavinski and carried unanimously.

OUTDOOR BURNING REGULATIONS

(See also May 16, 2016 Council meeting minutes)

At Mayor Cashman’s request, Chief Pascuzzi provided a brief history of regulations pertaining to outdoor burning. Chief Pascuzzi stated that Ordinance No. 1805 (enacted in 2011) combined several prior ordinances into a consolidated ordinance governing outdoor fires. Ordinance No. 1805 prohibited the open burning of refuse and permitted recreational fires, portable fireplaces, barbeque grills, and bonfires (by permit only). This ordinance provided specific regulations pertaining to each type of fire in order to mitigate the hazards of fires and also provided that a fire which was deemed a nuisance could be ordered to be extinguished.

Chief Pascuzzi further stated that Ordinance No. 1859 (enacted in 2015) removed language pertaining to “nuisance” fires as the term was subjective and provisions regarding a nuisance fire were difficult to enforce. Ordinance No. 1859 retained all regulations pertaining to fire safety.

Carol Stewart addressed Council and stated that she and her family have been the subject of complaint calls which she believes to have been originated by Cynthia Brader (author of the petition against outdoor burning which was submitted to Council – see 5/16/16 minutes).

Mrs. Stewart indicated that soon after they moved to their current address, there were a number of calls regarding smoke from their outdoor fireplace. Subsequently, they took down the fireplace and moved it further from the property line. There were no complaints for a number of years; however, the complaint calls have resumed. Mrs. Stewart stated that complaints are lodged regardless of whether wood or charcoal is being burned and further stated that the complaint calls only seem to be made in regard to outdoor fires on their property regardless of whether others in the vicinity may also have an outdoor fire. In response to Ms. Brader’s assertions that wood smoke contains harmful particulate matter, Mrs. Stewart countered that household items used every day, including carpeting and air fresheners, also produce toxins and further noted the volume of matter released into the air each day by United Refining Company.

Taylor Christie presented Mayor Cashman with a printed copy of an internet web-based petition in favor of the existing ordinance with no changes to be made and which contained in excess of 500 electronic signatures. Mr. Christie acknowledged that some signatures were from persons not residing within the City of Warren and that there may be duplicate signatures.

Cynthia Brader, author of the petition against outdoor burning, addressed Council and stated that she had come before Council with the petition with the hope that a compromise solution would be determined. She noted that, thus far, those addressing Council had not addressed the right of those on neighboring properties who do not enjoy outdoor burning to not be subjected to the smoke from outdoor burning on a daily basis. She stated her concerns regarding health-related effects of wood smoke and stated that her request is for a decision that will provide for compromise between the proponents and opponents of outdoor burning.

Ellen Scalise addressed Council and noted that Warren is a rural community where many residents find outdoor fires to be a relaxing family-oriented activity that provides children with an outdoor alternative to electronic games, television, and the like.

Sam Harvey spoke in favor of the current ordinance and noted that there are many occurrences in daily life which are acceptable to some and annoyances to others (i.e. children playing, dogs barking). He further noted that outdoor fires are a long-standing tradition and that their existence is not something new.

Betsy Subkowski questioned the suggested alternative of allowing outdoor burning on alternate days (i.e. odd/even calendar days) and the fairness to individuals who have shared custody of their children as the children may not be with the parent on a permitted “burn” day.

Mark Dussia stated that he believes the existing ordinance is appropriate and further stated his belief that implementing odd/even regulations to address what some perceive as an annoyance would be “going down a slippery slope.”

Mary Anderson stated that she has family members who live in more densely populated areas where outdoor burning is permitted. She further stated that in a rural community, outdoor fires should be permitted.

Mayor Cashman stated that Mary Ann Nau, City Administrator, requested that City staff be provided with an opportunity to prepare a proposal for action at the regular Council meeting in July.

Julia Tarr stated that it is unfortunate that some are not able to “agree to disagree” and asked that Council not take action that would require all to make a change to their way of life in response to isolated occurrences. Ms. Tarr requested that Council make a determination and not put off a decision until the July Council meeting.

Following brief Council discussion, Mr. Gilbert made the motion to leave the “Burning Ordinance” (Ord. No. 1859) as it currently stands. Mr. Lewis seconded the motion which carried with six votes in the affirmative and one nay vote cast by Mr. Cashman who cited his desire to provide City Staff with an opportunity to provide a proposal at the July meeting.

A number of visitors left at this point.

ORDINANCE NO’S 1870, 1871, AND 1872

Ms. Stapleford stated that at the March 21, 2016 regular meeting, City Council adopted ordinances pertaining to Property Maintenance, adoption of the provisions of Act 90, and the Cost of Collections. However, notification regarding passage of the ordinances was not timely published in accord with the City Charter and, therefore, it is necessary to adopt new ordinances which will be timely published.

Ordinance No. 1870: Establishing the Property Maintenance Code

Mr. Fraser made the motion to adopt the ordinance establishing the 2012 International Property Maintenance Code, with amendments, as the City of Warren Property Maintenance Code. The motion was seconded by Miss Davis and carried with five votes in the affirmative and two nay votes cast by Mr. Lewis and Mr. Kolcharno.

Ordinance No. 1871: Implementing the Provisions of Act 90 (Neighborhood Blight)

Mr. Fraser made the motion to adopt the ordinance implementing the provisions of Act 90 (Neighborhood Blight Reclamation and Revitalization Act). The motion was seconded by Miss Davis and carried with six votes in the affirmative and one nay vote cast by Mr. Lewis.

Ordinance No. 1872: Cost of Collections

Mr. Fraser made the motion to adopt the ordinance establishing the “Cost of Collections.” The motion was seconded by Mr. Kolcharno and carried unanimously.

RESOLUTION NO. 3008: CRESCENT PARK IMPROVEMENT PROJECT GRANT APPLICATION

Mr. Hildebrand stated that the Pennsylvania Commonwealth Financing Authority, under the Greenway, Trails and Recreation Program (GTRP) Grant requested that the City of Warren approve a resolution pertaining to the grant application. The grant will be utilized for the construction of site lighting and electrical improvements, limestone walkway, and restroom renovations to provide exterior and interior ADA accessibility within Crescent Park. The total projected cost is \$287,500 with the grant application being for 85% of this cost or \$250,000. The local share of the grant application is 15% or \$37,500 which will be included in the 2017 Municipal Budget. City staff will seek contributions from private foundations to offset the local share amount.

Mr. Lewis made the motion to adopt the resolution authorizing an agreement with the Commonwealth Financing Authority for the Crescent Park Improvement Project Grant Application. The motion was seconded by Mr. Kolcharno and carried unanimously.

RESOLUTION NO. 3009: MUNICIPAL PENSION SYSTEM RFP PROCEDURE

Mrs. Risinger noted that the City will soon advertise a Request for Proposal (RFP) for professional services contracts pertaining to the Municipal Pension Plans. The Municipal Pension Plan Funding Standard and Recovery Act of 2009, Act No. 44, established certain requirements related to the procurement of professional services for municipal pensions.

It was noted that a prior Council adopted a procedure for use in this regard. However, upon review by Randall Rhoades, Special Pension Counsel, it was determined that the procedure was overly cumbersome and would be costly to implement. Therefore, the proposed resolution was drafted by Atty. Rhoades who will implement the RFP process on behalf of the Pension Committees.

Mr. Lewis made the motion to adopt the resolution establishing procedures and standards related to professional services contracts involving the City’s Municipal Pension Plans. The motion was seconded by Mr. Zavinski and carried unanimously.

RESOLUTION NO. 3010: TOPS PT, LLC LIQUOR LICENSE TRANSFER

Ms. Stapleford noted that at the March 21, 2016 regular meeting, City Council took action to approve a resolution pertaining to Tops PT, LLC’s application to transfer an existing liquor license into the City of Warren. The resolution was submitted to the Pennsylvania Liquor Control Board. Subsequently, the PLCB requested that the resolution be revised to include the names and address of the current license holder which is transferring the license to Tops PT, LLC.

Mr. Fraser made the motion to adopt the resolution approving the Tops PT, LLC application to transfer a Liquor License into the City of Warren. The motion was seconded by Miss Davis and carried with five votes in the affirmative and two nay votes cast by Mr. Lewis and Mr. Kolcharno.

DEPARTMENT REPORTS – MAY, 2016

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 5, 2016	Regular Meeting
Planning Commission	– March 30, 2016	Regular Meeting
Street Landscape Committee	– April 26, 2016	Regular Meeting

ADJOURNMENT

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