

**WARREN CITY COUNCIL  
REGULAR MEETING  
JULY 16, 2012 – 7:30 PM**

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**OPENING OF MEETING**

Mayor Mark A. Phillips presided over the July 16, 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 regarding 1) personnel matters, and 2) litigation concerning the Allegheny Center for the Arts buildings.

**ROLL CALL**

Members present and responding to roll call were: Mayor Mark Phillips, Mr. Maurice Cashman, Dr. Howard Ferguson, Mr. Samuel Harvey, Mr. John Lewis, Mr. Christopher Park, and Mr. James Zavinski, Sr. Ms. Nau, Mr. Gustafson, Mr. Hildebrand, Mr. Holtz, Mrs. Leary, Chief Pascuzzi, Mrs. Risinger, Mr. Sceiford, Ms. Stapleford, and Chief Zydonik of City staff were also in attendance.

**RECOGNITION OF VISITORS**

Mayor Phillips welcomed all visitors. Present were:

- Lenny Gray: observing
- Dan Ristau: Warren Main Street
- Bill Thomas: House of Worship request for dedicated parking on Conewango Place
- Frankie Thomas: House of Worship request for dedicated parking on Conewango Place
- Warren Supulski: House of Worship request for dedicated parking on Conewango Place
- Shirley Supulski: House of Worship request for dedicated parking on Conewango Place
- Bud Ristau: House of Worship request for dedicated parking on Conewango Place
- Joshua Lyon: House of Worship request for dedicated parking on Conewango Place
- Angie Darr: R.W. Larson Architects re: Vacation of portion of Tuscarora Avenue
- Jim Fiscus: Warren General Hospital re: Vacation of portion of Tuscarora Avenue
- Sue Spencer: regarding Liberty Street
- Josh Cotton: Times Observer reporter

**APPROVAL OF MINUTES**

Upon motion by Mr. Zavinski and second by Mr. Cashman, the minutes of the June 18, 2012 Regular Meeting were unanimously approved.

Upon motion by Mr. Park and second by Mr. Lewis, the minutes of the June 25, 2012 Special Meeting were unanimously approved.

**CORRESPONDENCE**

Council members acknowledged receipt of the following correspondence:

- James Decker, President/CEO, Warren County Chamber of Business and Industry (WCCBI): Mr. Decker requested that Council waive all City fees associated with the 2012 Warren RibFest or consider participation as a "Title Sponsor" of the event. Mr. Decker noted that the WCCBI recently assumed the administrative and financial responsibility for this event which was originally to have been sponsored by Warren Main Street. The timing of the change in sponsoring organizations did not afford WCCBI the typical timeframe for solicitation of sponsorships which typically provide funding for the event.

During discussion it was noted that, despite efforts to contain associated costs to the City, events such as RibFest do result in significant expense to the City. Also of concern to Council members was the setting of a precedent whereby other organizations may also seek relief from payment of fees or make similar requests for sponsorship. Mr. Cashman suggested, and others concurred, that a viable answer may be to consider the deferment of a portion of the fees due for utilization of the park until a later date.

Mayor Phillips' call for a motion was unanswered. Therefore, no formal action was taken in regard to the request.

**DEPARTMENT REPORTS – JUNE, 2012**

The following reports were presented to Council:

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

**HOUSE OF WORSHIP REQUEST FOR DEDICATED PARKING SPACES – CONEWANGO PLACE**

During discussion of the Police Department report, it was noted that Chief Zydonik received a petition signed by twenty-three residents of Conewango Place who are in opposition to the House of Worship's request for dedicated parking spaces adjacent to the Church property (see 6/18/12 City Council minutes). Bud Ristau, Conewango Place resident, addressed Council and stated that while he and most other residents of the street utilize their driveways, it is necessary for visitors to use the already limited on-street parking spaces. He further noted that the House of Worship was aware of parking limitations prior to purchasing the property. Following House of Worship representatives' statements regarding concern for parking accommodations for elderly and handicapped members, it was suggested that a handicap only parking space be established. Chief Zydonik indicated that there is a procedure in place for such and indicated that the House of Worship may apply for a handicap parking space on Conewango Place. He reminded House of Worship representatives that while a space may be designated for handicap parking, it would be for the use of the general public and would not be dedicated for Church use.

Mr. Harvey made the motion to not entertain special parking provisions on Conewango Place as requested by the House of Worship. The motion was seconded by Mr. Zavinski and carried with four affirmative votes and three negative votes cast by Dr. Ferguson, Mr. Cashman, and Mayor Phillips.

**REQUESTS FOR USE OF CITY STREETS/PROPERTY**

The following requests were presented for Council's consideration:

<b><u>Organization</u></b>	<b><u>Event</u></b>	<b><u>Property/Street(s)</u></b>	<b><u>Date/Time</u></b>
a. American Cancer Society	Relay for Life 2013	Betts Park – western portion	Thurs. 6/20/13 – 5:00 PM thru Sat. 6/22/13 – until noon
Motion to approve made by Mr. Cashman, second by Dr. Ferguson, approved unanimously.			
b. National MS Society	Walk MS 2013	Betts Park – western portion and walking trail	Sun. 5/19/13 10:00 AM to 4:00 PM
Motion to approve made by Mr. Lewis, second by Mr. Park, approved unanimously.			

**APPOINTMENT OF CITY MANAGER: NANCY K. FREENOCK**

Mr. Cashman stated that the Manager Search Committee received thirty-eight application packages for the position of City Manager. Upon review of the application materials, the field was narrowed first to eleven applicants and then to five who were invited for interviews. Mr. Cashman noted that the Committee was assisted in the search by Michael Foreman, Department of Community and Economic Development Local Government Specialist.

Mr. Cashman made the motion to appoint Nancy K. Freenock as City Manager effective August 20, 2012. The motion was seconded by Mr. Zavinski and carried unanimously. It was noted that Council members were provided with a copy of the agreement to be entered into by the City and Ms. Freenock regarding her service as City Manager.

**DAN RISTAU ADDRESS TO COUNCIL REGARDING LIBERTY STREET**

Mr. Ristau reiterated comments made to City Council following adjournment of the June 25, 2012 Special Meeting. Mr. Ristau requested Council's consideration regarding movement of the "Streetscape" project area from lower Liberty, Clark, and Langdon Streets to the portion of Liberty Street between Second and Third Avenues. He stated that he and other business owners believe this area should receive a higher priority for improvements in recognition of the time and resources invested by existing business owners. Sue Spencer also addressed Council in support of Mr. Ristau's request.

Ms. Nau stated that Redevelopment Assistance Capital Program (RACP) funding is very specific as to the nature and scope of projects for which it may be utilized. The state-approved RACP funding application calls for the funds to be utilized for development of the infrastructure in the designated area of Liberty, Clark, and Langdon Streets including improvements to the intersection of Liberty Street and Pennsylvania Avenue as well as installation of new traffic signalization at the intersection. The planned infrastructure improvements are for the purpose of facilitating new economic development. Ms. Nau further stated that improvements to be made under the RACP are not a part of the phased Downtown Streetscape Revitalization Program for which other funding sources will be utilized. Ms. Nau extended an offer to Mr. Ristau to meet with him to further explain the requirements of the RACP funding.

In response to Mr. Ristau's statements regarding the present condition of Liberty Street, Ms. Nau advised him that Liberty Street (Second to Third Avenue) is included in the City's 2012 Bituminous Milling and Paving Program.

**ORDINANCE NO. 1815: VACATING A PORTION OF TUSCARORA AVENUE**

Mr. Holtz stated that Warren General Hospital (WGH) is in the process of expanding its Cancer Care Center. As part of this expansion, the City has determined that it is necessary to vacate the portion of Tuscarora Avenue extending southerly from the center line of its intersection with Lee Street to its terminus. This action is necessary to facilitate a stormwater retention area as required under the Stormwater Management Ordinance. This portion of Tuscarora Avenue lies entirely within the WGH campus and, therefore, will not negatively impact neighboring properties. As required, the proposed ordinance was first presented to Council at the June 18, 2012 regular meeting and public notice was published in the Times Observer in three successive weeks.

Upon motion by Mr. Lewis and second by Mr. Harvey, Council members voted unanimously to approve the vacation of the portion of Tuscarora Avenue extending southerly from the center line of its intersection with Lee Street to its terminus.

**AGREEMENT; TEMPORARY CONSTRUCTION EASEMENT FOR WARREN GENERAL HOSPITAL**

Mr. Holtz stated that in conjunction with the above-noted Warren General Hospital expansion project, it is also necessary to grant a temporary construction agreement. Council members were provided with a site map indicating the area of the easement.

Upon motion by Mr. Lewis and second by Mr. Harvey, Council members voted unanimously to approve the Temporary Construction Easement Agreement with Warren General Hospital.

**CITY RESPONSE TO DCED REGARDING THE ANCHOR BUILDING PROJECT FINANCIAL MONITORING REVIEW**

Ms. Nau stated that the PA Department of Community and Economic Development (DCED) conducted a Financial Monitoring Review regarding New Communities grant funding awarded for the Anchor Building Project. DCED submitted its report to the City and imposed a deadline of July 31, 2012 by which the City must provide a response to concerns identified within the report. It was indicated that Mr. Cashman worked with City staff members to develop a response which was presented to Council for its review and consideration.

Mr. Lewis made the motion to authorize the Acting City Manager to submit responsive materials to the Department of Community and Economic Development in regard to the Anchor Building Project Financial Monitoring Review. The motion was seconded by Mr. Zavinski and carried with 5 votes in the affirmative and abstentions by Mayor Phillips and Dr. Ferguson.

**APPOINTMENT OF SUBCOMMITTEE REGARDING THE FUTURE OF THE WCCA**

Ms. Stapleford stated that, as discussed at the June 25, 2012 special meeting of Council, there are certain prescribed steps to be taken in the dissolution of a municipal authority and Council is desirous of entering into discussions with the Warren Convention Center Authority (WCCA) regarding its potential dissolution. In accord with Mr. Cashman's recommendation, a sub-committee comprised of a Council representative(s) and the Acting City Manager is to be considered for appointment to meet and work with the WCCA. The WCCA met in regular session on July 10, 2012 and was advised of this plan of action. The WCCA requested that the sub-committee include the City Solicitor.

Mr. Lewis made the motion to appoint a Council subcommittee to work with the Warren Convention Center Authority regarding its future: Mr. Cashman, Mr. Lewis, Acting City Manager (Ms. Nau), and City Solicitor. The motion was seconded by Mr. Cashman and carried unanimously.

**RESOLUTION NO. 2894: ESTABLISHING TIME LIMITS AND REGULATIONS FOR PLACEMENT OF PARADE ROUTE SEATING**

Ms. Nau stated that while City Staff recognizes that early placement of spectator chairs along a parade route is a long-standing tradition, the duration of such placement in recent years poses significant public safety and maintenance concerns. Among these concerns are:

1. Chairs are often placed at the curb line which makes it difficult/impossible for passengers to safely exit from the passenger side of parked cars. This is of particular concern for individuals with physical challenges and for those who have young children exiting the

vehicle. As a result, motorists often park further from the curb and, thereby, encroach on the driving lane.

2. The various types of seating and the means used to cordon off areas present obstacles and safety concerns for emergency services which may be required to respond to an area.
3. Unsecured chairs pose a safety issue in the event of high wind/storm situations.
4. There have been instances of chairs being thrown into the roadway and at least one resultant vehicular accident has been reported.
5. The City's mowing contractor is faced with either expending excess time in attempting to move chairs, benches, etc. in order to complete the mowing or not mowing the area involved, neither of which is desirable.
6. The City DPW's access to City properties (i.e. Celeron Park, Soldiers & Sailors Park, Gen. Joseph Warren Park, and the parkway along PA Avenue West) for general maintenance (i.e. tree work, landscape watering, and general park maintenance and preparation) is hindered.
7. This practice detracts from the appearance of the City's investment in downtown improvements and enhancements.
8. Chairs are being placed so far in advance of the parade that visitors to Warren have no association that the various forms of seating may be there for a pending celebration and are likely left with a poor visual impression of the City.

Mr. Lewis made the motion to approve the resolution establishing time limits and regulations for the placement of parade route seating. The motion was seconded by Mr. Cashman and carried unanimously.

Mr. Lewis made the motion to amend Item No. 1 of the resolution to read "No type of seating including, but not limited to, chairs, benches, and blankets shall be placed upon any sidewalk, public right-of-way, or City property adjacent to a parade route in excess of seventy-two hours prior to a parade." The motion was seconded by Mr. Cashman and carried unanimously.

#### **AGREEMENT: EXTENSION OF WELL SITE ASSIGNMENT – STONEHAVEN ENERGY, LLC**

Mr. Holtz stated that on September 19, 2011 and on January 16, 2012 City Council approved extensions to an existing agreement with Homeland Energy Ventures for completion of the development of well sites located at the City DPW complex. On February 1, 2012 Stonehaven Energy, LLC purchased Homeland Energy Ventures' shallow well assets in Pennsylvania. The City's lease extension was contained in the purchase which closed on March 12, 2012. Since the purchase, Stonehaven has been dealing with the PA DEP to transfer drilling permits from Homeland Energy to Stonehaven. This process has taken longer than anticipated and at this time they are still awaiting PA DEP's approval.

The agreement extends the Assignment for completion of the wells until December 31, 2012.

Mr. Holtz stated that the City has received assurances that the company is now in a position to proceed with the horizontal drilling of these sites as had been previously approved by Council. It was further stated that Stonehaven Energy will provide for the installation of new fencing and lighting at the DPW complex which will enhance security for both DPW and the well sites. Mr. Lewis expressed his concern regarding the potential that the horizontal drilling would result in extraction of oil from beneath properties not owned by the City. Mr. Harvey, who has expertise in the fossil fuel industry, stated that he had examined the plats and determined that the area of extraction will not encroach on other mineral properties. He further stated that it is required that the "as drilled" location must be reported to the Department of Environmental Protection.

Mr. Park made the motion to approve the agreement with Stonehaven Energy, LLC for an extension of the time in which to develop horizontal drilling sites at the DPW Complex with the agreement expiring on December 31, 2012. The motion was seconded by Mr. Zavinski and carried unanimously.

#### **AWARD OF CONTRACT FOR ANAEROBIC DIGESTER CLEANING**

(See also June 18, 2012 minutes) Mr. Sceiford reported that, as directed at the June 18 Council meeting, City staff evaluated the absolute need for cleaning the primary and secondary digesters at this time, or, in the alternative, attempting to work with the digesters until the new wastewater plant becomes operational in approximately five years. Following discussions between the DPW Director, City Engineer, and plant operators, it was determined that, at a minimum, the secondary digester must be cleaned as it is minimally operational in its current state. The primary digester is currently operating, however, it was stated that the need for cleaning it may become more apparent upon completion of cleaning the secondary digester. Evaluation of the primary digester will be ongoing with the goal being to delay any further cleaning until shut down of these treatment units when the new plant is built.

SYNAGRO submitted the lowest bid in the amount of \$46,600.00 for cleaning the secondary anaerobic digester. Based upon satisfactory past performance, staff recommended SYNAGRO for completing the Digester Cleaning Project for the secondary anaerobic digester.

Mr. Harvey made the motion to approve the award of a contract to SYNAGRO, LLC in the amount of \$46,600 for the cleaning of the secondary anaerobic digester at the Wastewater Treatment Plant. The motion was seconded by Mr. Lewis and carried unanimously.

#### **DISPOSITION OF IMPOUNDED VEHICLE**

Chief Zydonik noted that at the March 19 regular meeting Council authorized the disposition of supplies, materials, and equipment that are no longer suitable or necessary for City operations. Since that time, a four-door 1991 Lincoln Towncar came into the City's possession as a result of the owner of the towed/impounded vehicle signing over the title in lieu of towing and storage fees.

Upon motion by Mr. Lewis and second by Mr. Zavinski, Council members voted unanimously to approve disposition of the stated vehicle.

#### **ADJOURNMENT**

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