

**WARREN CITY COUNCIL
PUBLIC HEARINGS AND REGULAR MEETING
JULY 17, 2017 – 7:30 PM**

PUBLIC HEARING: VACATION OF A PORTION OF WOOD STREET

Mr. Holtz stated that this public hearing will be held at a later date as it was learned that the owner of one of the adjoining properties is recently deceased. Therefore, additional time will be necessary to determine whether the estate wishes to receive a portion of the vacated property.

PUBLIC HEARING: VACATION OF PLUM ALLEY

Mr. Holtz stated that upon further review of recent amendments to the statute regarding street vacations, it was determined that the property must be posted and publication of a notice must be made following the first presentation of the proposed ordinance to Council. Therefore, the public hearing will be held at a later date.

PUBLIC HEARING: AMENDMENT TO THE ZONING ORDINANCE – FRONT YARD PARKING

Mayor Cashman opened the public hearing. Mr. Hildebrand stated that the City of Warren Zoning Ordinance does not presently contain regulations specific to front yard parking. To bring these regulations up to date, the Planning Commission and City staff drafted an amendment to the Zoning Ordinance as it pertains to front yard parking for Council's consideration.

There being no persons wishing to provide comment on the proposed Zoning Ordinance amendment, Mayor Cashman declared the Public Hearing closed.

OPENING OF MEETING

Mayor Cashman presided over the July 17, 2017 regular meeting of Warren City Council and opened the meeting with the Pledge of Allegiance. Due to the Municipal Building Rehabilitation Project, the meeting was held in the second floor meeting room of the Transit Authority of Warren County, 42 Clark Street, Warren. Mayor Cashman announced that Council met in Executive Session on July 10, 2017 for discussion of property matters.

ROLL CALL

Members present and responding to roll call were: Mayor Maurice Cashman, Elissa Davis, Gregory Fraser, Philip Gilbert, John Lewis, and James A. Zavinski, Sr. Mr. Kolcharno arrived during the meeting. Members of City Staff present were Mrs. Freenock, Mr. Hildebrand, Mr. Holtz, Mrs. Leary, Chief Pascuzzi, Mrs. Risinger, Mr. Sceiford, Mrs. Williams, Chief Zydonik, and Attorney Stapleford.

APPROVAL OF MINUTES

Upon motion by Mr. Zavinski and second by Miss Davis, the minutes of the June 19, 2017 Regular Meeting were unanimously approved by Council members present (6).

RECOGNITION OF VISITORS

Mayor Cashman welcomed all visitors. Present were:

- Susan Olson: Beaty Tennis Courts
- Jon Meyer: Beaty Tennis Courts
- Kelly Wood: Beaty Tennis Courts
- Tricia Poston: Beaty Tennis Courts
- Pat Carlson: Beaty Tennis Courts
- Nan Cashman: Beaty Tennis Courts
- Dawn Seyler: Beaty Tennis Courts
- Andrew Seyler: Beaty Tennis Courts
- Gracie Wood: Beaty Tennis Courts
- Cade Poston: Beaty Tennis Courts

- Lana Creal: Beaty Tennis Courts
- Dave Berdine: Beaty Tennis Courts
- Pauline Steinmeyer: Observing
- Holden Gilbert: Observing
- Santo D'Amico: Santino's Frybread, LLC Agreement
- Jan D'Amico: Santino's Frybread, LLC Agreement
- Andrew Morrison: Times Observer Reporter

Jon Meyer, Warren Area High School (WAHS) Tennis Coach, addressed Council regarding its decision to allow the striping of all three tennis courts located at Beaty Park for pickleball (see June 19, 2017 Council Minutes). Mr. Meyer stated that the WAHS Tennis Team primarily uses the tennis courts at Betts Park; however, the Beaty Park courts are also used for practices and match play. Mr. Meyer stated that the presence of pickleball lines on the courts invalidates their use under Pennsylvania Interscholastic Athletic Association (PIAA) and US Tennis Association regulations and provided Council members with information regarding the regulations. Mr. Meyer stated that there are over fifty students on the WAHS Tennis Team and indicated that this number is consistent from season to season. During discussion, Mr. Meyer indicated that it may be possible to use removable tape for pickleball lines and Mike Holtz, DPW Director, stated that he would research this option.

Mr. Lewis made the motion to rescind the June 19, 2017 action authorizing the lining of all three Beaty Park Tennis Courts for Pickleball play and to now authorize the lining of one Beaty Park Tennis Court for Pickleball play. The motion was seconded by Mr. Gilbert and carried unanimously among the Council members present (6). Visitors present in regard to the tennis courts left the meeting at this point.

CORRESPONDENCE

Council members acknowledged receipt of correspondence from Mayor Cashman stating that he performed a marriage ceremony for Jennifer Long and Erwin Mueller on June 17, 2017 and was compensated \$100. This notification was provided in accord with §1208(d)(2) of Act 22 of 2014.

PROPOSED ORDINANCE: VACATION OF PLUM ALLEY

Mr. Holtz stated that Plum Alley is an unopened and unimproved street located south of Pennsylvania Avenue and which lies between Conewango Avenue and Oak Street. The Alley is approximately 250 feet long by 15 feet wide. The area has been improved and is currently occupied and used as a parking area for Warren Dental Arts.

Mr. and Mrs. Gene Burns, owners of one of the adjacent properties, have expressed interest in acquiring the property and requested that the City consider vacating Plum Alley. The other adjacent properties are owned by Warren Dental Arts.

Mr. and Mrs. Burns have formally confirmed that they wish to take title to the vacated street in its entirety. Warren Dental Arts does not wish to acquire any of the property.

Mr. Holtz advised Council that the process for vacating a street requires:

1. A public hearing be held;
2. The proposed ordinance is to be introduced to Council;
3. The property on which the street to be vacated lies is to be posted for three weeks prior to formal action by Council; and
4. A notice regarding the proposed vacation is to be published in a newspaper of general circulation for three weeks.

Council members were provided a copy of the proposed ordinance providing for the vacation of Plum Alley in advance of this meeting.

Upon motion by Mr. Lewis and second by Mr. Gilbert, Council members present (6) voted unanimously to set a public hearing regarding the vacation of Plum Alley for August 21, 2017, at 7:30 PM.

AGREEMENT: SANTO D'AMICO D/B/A SANTINO'S FRYBREAD, LLC

Mrs. Williams stated that Santo D'Amico recently purchased a food trailer and wishes to operate it within the downtown area. Mr. D'Amico requested that the City lease a portion of the gravel lot at the southeast corner of Liberty Street and Pennsylvania Avenue to him for the operation of his food trailer. The portion of the lot to be leased will measure fifty (50) feet by twenty-five (25) feet and the location will be designated by the Public Works Director. It was proposed that the lease begin on July 18 and end on November 1, 2017.

Mrs. Williams indicated that it is Mr. D'Amico's intent to leave the trailer in that location for the duration of the lease agreement unless he vendors at an event elsewhere. She also indicated that it is not intended that patrons park on the lot.

An agreement was prepared for Council's review and consideration with a suggested weekly lease rate of \$25.00. This lease rate is the same as was charged to Matt King during the time that he owned the trailer and operated from a like-size area at the foot of Liberty Street.

Mr. Fraser made the motion to approve the Lease Agreement with Santo D'Amico d/b/a Santino's Frybread, LLC, for the lease of a portion of the City-owned property located at the southeast corner of Pennsylvania Avenue and Liberty Street. The motion was seconded by Mr. Gilbert and carried unanimously among the Council members present (6).

ORDINANCE NO. 1894: SIDEWALKS

(Mr. Kolcharno arrived just prior to the motions and votes).

Mr. Holtz stated that the Property Maintenance Code requires only that sidewalks be kept free from hazardous conditions and, at present, the timeline for compliance is at the discretion of the Code Official. The Codes Department requested that the current ordinance be amended so that the requirements are concise and there is no room for discretion as to what constitutes a defective sidewalk. The proposed ordinance establishes the criteria for installing, repairing, and maintaining public sidewalks. Code Officials will enforce the ordinance and will have the authority to extend the time to commence repairs or to complete them, but in no case for more than a period in excess of 120 days without the approval of the City Manager.

During discussion, Council members discussed concerns regarding whether the topography of a lot may preclude the required grade of the sidewalk, issues regarding tree roots by and under sidewalks, and penalties for non-payment of fines and costs for violations of the ordinance.

Mr. Lewis made the motion to approve the ordinance with Section 7.A.6 to be amended to include "when topography allows." The motion was seconded by Miss Davis.

Mr. Fraser made the motion to amend Mr. Lewis' motion by striking "and, in default of payment of said fines and costs, to a term of imprisonment not to exceed 30 days" from Section 13.1 and Section 15. The motion was seconded by Mr. Lewis and carried with five votes in the affirmative, one nay vote cast by Mayor Cashman, and one abstention by Mr. Kolcharno who indicated that he did not believe he could make an informed decision as he was not present for the discussion. Council members did not object to Mr. Kolcharno's abstention.

Council members then voted on Mr. Lewis' motion, as amended. The motion carried with five votes in the affirmative, one nay vote cast by Mayor Cashman, and one abstention by Mr. Kolcharno who indicated that he did not believe he could make an informed decision as he was not present for the discussion. Council members did not object to Mr. Kolcharno's abstention.

AGREEMENT: NATURAL GAS SUPPLY

(See also June 19, 2017 Council minutes)

Mr. Holtz noted that at the June 19, 2017 Council meeting there were questions regarding the proposed agreement with National Fuel Resources for the provision of natural gas for certain City accounts. Since that meeting, Mr. Holtz contacted National Fuel Resources and learned that to change the "Under Use" percentage to a lesser amount would result in an increased overall variable price. Mr. Holtz stated that the City researched other potential suppliers and it was determined that National Fuel Resources, Inc. is the best option.

Upon motion by Mr. Fraser and second by Mr. Gilbert, Council members voted unanimously to approve the agreement with National Fuel Resources, Inc. for the supply of natural gas to the DPW Garage and Sewage Treatment Plant.

RESOLUTION NO. 3035: MULTIMODAL TRANSPORTATION FUND GRANT APPLICATION

Mr. Hildebrand stated that it was proposed that the City submit a Multimodal Transportation Fund Program grant application to the Pennsylvania Commonwealth Financing Authority. This grant will be utilized for the construction of curbing, sidewalks, light poles and bases, trees, tree grates, planters, and benches along Pennsylvania Avenue West between Hickory and Poplar Streets. The total project cost is \$582,000. The grant application is for 65% of this cost (\$378,300) and the local share is 35% (\$203,700) which will be included in the 2018 Municipal Budget. Mr. Hildebrand stated that it is required that the proposed resolution be included with the grant application.

Mr. Fraser requested that consideration be given to modifying the turning radius at the intersection of Pennsylvania Avenue West and Hickory Street to provide southbound traffic on Hickory Street the ability to travel past vehicles waiting to make a left turn onto Pennsylvania Avenue. It was indicated that such a modification would result in an increase in the project cost. It was suggested that the project cost be increased to \$612,000 which would result in the grant application amount being \$397,800 and the City share being \$214,000.

Mr. Fraser made the motion to approve the resolution with the grant application amount being modified to \$397,800. The motion was seconded by Mr. Lewis and carried unanimously.

RESOLUTION NO. 3036: GLADE RUN FLOOD PROTECTION PROJECT

(See also June 19, 2017 Council minutes)

Mr. Holtz noted that Council previously approved a sponsorship agreement with the Pennsylvania Department of Environmental Protection to begin the rehabilitation of the Glade Run Levee. In addition to the Sponsor Agreement, Council must adopt a resolution approving the plans and authorizing the Mayor and City Manager to execute and enter into a Sponsorship Agreement with the Pennsylvania Department of Environmental Protection.

Before construction commences, preliminary work including rights-of way, design, final quantities and estimates, construction drawings, construction specifications, permitting, and easements must be completed and approved. Construction is tentatively scheduled to begin in June 2019 and end in May 2021.

Upon motion by Miss Davis and second by Mr. Fraser, Council members voted unanimously to approve the resolution authorizing the Mayor and City Manager to execute and enter into a Sponsorship Agreement with the Pennsylvania Department of Environmental Protection for the Glade Run Flood Protection Project.

RESOLUTION NO. 3037: APPOINTING ACTING CITY MANAGER

Mrs. Freenock noted that Council previously enacted Resolution No. 2828 which designated Teena Leary as the Assistant Municipal Clerk and Mary Ann Nau as the Acting City Manager. As Ms. Nau has retired, it is necessary to provide for the assignment of an Acting City Manager in the event of Mrs. Freenock's absence.

It was recommended that the assignment be made by the staff position held rather than by naming a specific individual. This would provide flexibility that the naming of a specific individual does not. The proposed resolution allows the City Manager to assign the Acting City Manager in the event of a planned absence by the Manager and provides that the Mayor or Vice-President of Council will make the assignment in the event that the City Manager cannot make the assignment. In either case, City Council is to be notified of the assignment. Mr. Fraser suggested that the language in Section 4 be amended by replacing "disability" with "incapacity."

Mr. Kolcharno made the motion to approve the resolution providing for the designation of Assistant City Clerk and assignment of Acting City Manager with Section 4 to be amended by replacing "disability" with "incapacity." The motion was seconded by Miss Davis and carried unanimously.

APPOINTMENT: TERRY WILLIAMS, BUILDING CODE OFFICIAL

Mrs. Freenock stated that in accord with Pennsylvania Department of Labor and Industry regulations, it is required that a Building Code Official (BCO) be appointed annually for administration and enforcement of the Building Code. Prior to her retirement, Mary Ann Nau was the appointed BCO.

Terry Williams has completed the required BCO training and has been certified by the Department. Therefore, Mrs. Freenock recommended that Mrs. Williams be appointed as the City's BCO for the remainder of 2017.

Upon motion by Mr. Lewis and second by Mr. Gilbert, Council members voted unanimously to appoint Terry Williams as the Building Code Official for the City of Warren for the remainder of 2017.

RESOLUTIONS PERTAINING TO FEES

Mrs. Williams stated that, due to changes in the cost to provide services, it is necessary to periodically amend the Building Codes Fee Schedules. The fees are set at rates which offset the actual costs incurred by the City in providing Building Code services and do not result in excess revenue to the City (i.e. they are revenue neutral).

The proposed resolutions also include an amended line item pertaining to deck permits. This amendment brings the resolution into conformity with City Ordinance No. 1751 which adopted and amended the Pennsylvania Uniform Construction Code (PA UCC).

Additionally, it is necessary to amend that portion of the City Fee Schedule which relates to Uniform Construction Code Appeals Board Meetings. The recommended changes bring the application fee deposit amount in line with the actual costs realized by the City, delete language regarding decisions being advisory, and adds language explaining the application deposit.

RESOLUTION NO. 3038: CITY BUILDING CODE FEES

Mr. Fraser made the motion to approve the resolution establishing Building Code Fees for properties located within 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.

RESOLUTION NO. 3039: INTERMUNICIPAL BUILDINDG CODE FEES

Mr. Fraser made the motion to approve the resolution establishing Building Code Fees for properties located in municipalities with which the City has Building Code Permit and Inspection agreements. The motion was seconded by Mr. Gilbert and carried unanimously.

RESOLTUION NO. 3040: CITY FEE SCHEDULE

Mr. Fraser made the motion to approve the resolution establishing Fees. The motion was seconded by Mr. Gilbert and carried with six votes in the affirmative and one nay vote cast by Mr. Lewis.

PARKING

Mr. Gilbert made the motion to waive the fine for expired parking meters for first-time offenders and to provide an explanation that the waiver is a courtesy and will occur one time only per violator. There was not a second to the motion.

Mrs. Freenock indicated that the Solicitor has legal advice regarding this matter which may be discussed in executive session.

MISCELLANEOUS

Mr. Zavinski noted that the lights under the Hickory Street Bridge have not been illuminated for quite some time. Mr. Holtz indicated that a boom crane is required to replace the bulbs and that the rental of such equipment is quite costly. He stated that he will research longer-lasting LED bulbs which would be more cost-efficient to maintain.

Mrs. Freenock stated that the 2016 Audit Report was completed in advance of the June 30 deadline and will be officially presented to the City on July 18.

Mrs. Freenock noted that various groups and individuals have recently expressed interest in the development of City-owned properties in the downtown area.

DEPARTMENT REPORTS – JUNE, 2017

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	–	May 9, 2017	Regular Meeting
Planning Commission	–	May 24, 2017	Regular Meeting
Street Landscape Committee	–	May 23, 2017	Regular Meeting
Redevelopment Authority	–	May 18, 2017	Regular Meeting

ADJOURNMENT

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