

**WARREN CITY COUNCIL
REGULAR MEETING
AUGUST 20, 2012 – 7:30 PM**

OPENING OF MEETING

Mayor Mark A. Phillips presided over the August 20, 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) litigation concerning the Allegheny Center for the Arts buildings, and 2) personnel matters.

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. Freenock, 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.

INTRODUCTION OF CITY MANAGER

Mayor Phillips introduced Nancy K. Freenock as the City Manager effective this date. Mayor Phillips noted that Ms. Freenock obtained her Juris Doctor from the Villanova University School of Law. Most recently, she served as the City Manager for Clarion (PA) Borough.

RESOLUTION NO. 2895: APPOINTING NANCY K. FREENOCK AS MUNICIPAL CLERK

Ms. Nau, Assistant City Manager, stated that Article V, Section 502 of the Home Rule charter provides for the appointment of the Municipal Clerk by the Council and Part I, Section 131 of the Administrative Code allows Council to appoint the City Manager as Municipal Clerk. It was noted that, historically, the City Manager has been appointed to serve in this capacity.

Upon motion by Mr. Lewis and second by Mr. Cashman, Council voted unanimously to appoint Nancy K. Freenock as Municipal Clerk.

Following approval of the resolution, the Honorable Gregory J. Hammond, Judge, 37th Judicial District of the Commonwealth of Pennsylvania administered the Oath of Office for the Municipal Clerk.

RECOGNITION OF VISITORS

Mayor Phillips welcomed all visitors. Present were:

- Lenny Gray: Observing
- Albert Webster: Regarding Boy Scouts of America Troop 45 Special Event Request
- Mike Papasergi: Regarding Atlantic Broadband Franchise Transfer Request
- John Blanks: Observing
- Dan Lucia: Observing
- Barb Lucia: Observing
- Judge Gregory Hammond: Municipal Clerk Oath of Office
- Josh Cotton: Times Observer reporter

John Blanks addressed Council and stated that he believes an incorrect fill may have been used in the installation of brickwork contained within the Downtown Streetscape Revitalization Project Area. Mr. Holtz stated that this project was managed by an engineering firm and indicated that he would review the job specifications.

APPROVAL OF MINUTES

Upon motion by Mr. Zavinski and second by Mr. Cashman, the minutes of the July 16, 2012 Regular Meeting were unanimously approved.

CORRESPONDENCE

Council members acknowledged receipt of the following correspondence:

- Warren County 4th of July Committee: Note of thanks for cooperation regarding the 4th of July activities.
- Community Foundation of Warren County: Note of thanks regarding the City’s \$100 contribution to the 2012 Student of the Year Scholarship Program.
- PA Department of Community and Economic Development (DCED): Acknowledging the City’s Corrective Action Plan in response to the DCED Financial Monitoring Report regarding the Anchor Building Grant (DCED Contract No. C000045359). The letter also stated that DCED will waive the audit requirement for this contract and indicated that there will be additional monitoring reviews.

Dan and Barb Lucia left the meeting at this point.

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

REQUESTS FOR USE OF CITY STREETS/PROPERTY

The following requests were presented for Council’s consideration:

<u>Organization</u>	<u>Event</u>	<u>Property/Street(s)</u>	<u>Date/Time</u>
a. Dept. of PA Disabled American Veterans	POW-MIA Day Service	General Joseph Warren Park	Fri. 9/21/12 5:00 PM to 8:30 PM
Motion to approve made by Mr. Lewis, second by Mr. Zavinski, approved unanimously.			
b. Boy Scouts of America Troop 45 & Pack 45	Bicycling Merit Badge and Safety Course	Clark Street Parking Garage, Level 1	Sat. 9/22/12
Motion to approve made by Mr. Lewis, second by Mr. Zavinski, approved unanimously.			

RESOLUTION NO. 2896: CONSENT TO TRANSFER CABLE TELEVISION FRANCHISE

Ms. Nau reported that the City received correspondence from Atlantic Broadband (Penn), LLC, stating that Atlantic has entered into a Stock Purchase Agreement with Cogeco Cable II, Inc. whereby Cogeco will acquire control of Atlantic Broadband. It was therefore requested by Atlantic Broadband that their existing franchise with the City of Warren be transferred to Cogeco Cable II, Inc. for the remaining term of the Franchise Agreement (expires in 2015).

Mike Papasergi, representing Atlantic Broadband, stated that the Stock Purchase Agreement with Cogeco Cable II, Inc. is not expected to result in an increase in cable programming charges or programming changes at the time of transfer. He further stated that Cogeco Cable II, Inc. is the

fourth largest cable provider in Canada. Mr. Papasergi indicated that measures to provide no-cost internet service for City-owned facilities are in progress.

Upon motion by Mr. Cashman and second by Mr. Park, Council members voted unanimously to approve the resolution granting consent to transfer the cable television franchise from Atlantic Broadband (Penn) LLC to Cogeco Cable II, Inc.

APPOINTMENT TO MUNICIPAL EMPLOYEES PENSION COMMITTEE

Ms. Nau stated that in accordance with the Administrative Code, Part 4, Pensions and Retirement, one member of the Municipal Employees (non-union) Pension Committee is to be an active City employee. As the prior representative has retired, it was recommended that Alan Gustafson be appointed to serve.

Upon motion by Dr. Ferguson and second by Mr. Zavinski, Council members voted unanimously to appoint Alan Gustafson as the employee representative to the Municipal Employees Pension Committee.

APPOINTMENT TO THE STREET LANDSCAPE COMMITTEE

Ms. Nau reported that the City is in receipt of an application from Mary Conarro to fill a vacancy on the City Street Landscape Committee.

Upon motion by Mr. Cashman and second by Dr. Ferguson, Council members voted unanimously to appoint Mary Conarro to the Street Landscape Committee for a four-year term which will expire on December 31, 2016.

FFY 2008 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING BUDGET REVISION

Mr. Hildebrand stated that the Pennsylvania Department of Community and Economic Development Small Communities Program (SCP) funding for FFY 2008 included Street and Road Improvement Activity Funds which were earmarked for the Pool Street Improvement Project. Upon completion of the Pool Street Project, a balance of \$117,902.52 remains in the FFY 2008 Street and Road Improvement Activity.

City staff proposed the submission of a Budget Revision Application for FFY 2008 funds which would allocate the remaining balance to the ongoing Oak Street Improvement Project.

Upon motion by Mr. Park and second by Mr. Cashman, Council members voted unanimously to approve the FFY 2008 Budget Revision which would reallocate \$117,902.52 from the Pool Street Improvement Project to the Oak Street Improvement Project.

RESOLUTION NO. 2897: ESTABLISHING PROCEDURES FOR ADMINISTRATION OF GRANT FUNDS

Ms. Nau stated that the City received official notification from the Department of Community and Economic Development (DCED) that the City's Comprehensive Response (Corrective Action Plan) to the Financial Monitoring Review conducted by that agency in regard to the \$500,000 Anchor Building Grant-to-Loan funding has been approved. One component of the City's response was a pledge that procedures for sub-recipient monitoring of any future grants or revolving loans will be established and adopted by resolution of Warren City Council. The proposed resolution was included with the City's Comprehensive Response Plan for DCED's review and approval.

Upon motion by Mr. Lewis and second by Mr. Harvey, Council members voted unanimously to approve the resolution establishing procedures for the administration of grant funds in regard to sub-recipient projects.

RESOLUTION NO. 2898: REVOKING COOPERATION AGREEMENT BETWEEN THE CITY AND GRO-WARREN, INC.

Ms. Nau noted that Council previously entered into a Cooperation Agreement with GRO-Warren, Inc. for the purpose of defining the role of each entity in regard to the Warren Revitalization Loan Program and that the Loan Program was to have been developed and implemented for the use of monies received as a result of GRO-Warren's repayment of New Communities grant funding awarded for the Anchor Building Project.

Term No. 5 of the Cooperation Agreement states "This Agreement, which shall take effect on the day of signature and continue in perpetuity unless revised, revoked or if either entity would dissolve as an organization."

Ms. Nau further stated that as the Anchor Building Project has not come to fruition and GRO-Warren, Inc. no longer has a seated Board of Directors, it would be appropriate to revoke the referenced agreement. Additionally, this action conforms with the City's Comprehensive Response Plan submitted to DCED and is a prerequisite to the development of procedures for distribution of the funds in the Revolving Loan Fund which is to be established in accord with the terms of the Response Plan. The revolving loan fund is to be established under terms which are in accord with the guidelines of the Grant Fund Administration resolution.

Mr. Lewis made the motion to adopt the resolution revoking the Cooperation Agreement between the City of Warren and GRO-Warren, Inc. regarding the PA Department of Community and Economic Development Anchor Building Grant Contract (agreement dated 9/10/2009). The motion was seconded by Mr. Park and carried with six votes in the affirmative and one abstention by Mayor Phillips.

NATHAN CONTRACTING CHANGE ORDER NO. 1 – CLARK STREET PARKING GARAGE

Mr. Holtz stated that the City entered into a contract with Nathan Contracting, LP, for repairs to the Clark Street Parking Garage. Included within this contract was the painting of 6,100 square feet of the metal decking which showed rusting and deterioration. Additional areas requiring attention were identified following the start of the project and, therefore, in accord with the terms of the contract with Nathan Contracting, City staff directed the painting of an additional 5,435 square feet at the contract rate of \$9.00 per square foot (\$48,915.00). This was a necessary proactive measure in preventing damage.

Mr. Zavinski made the motion to acknowledge Nathan Contracting, LP Change Order No. 1 – Clark Street Parking Garage Painting. The motion was seconded by Mr. Harvey and carried unanimously.

APPOINTMENT TO THE BLIGHTED PROPERTY REVIEW COMMITTEE

Mr. Lewis stated that he currently serves as the City Council representative on the Blighted Property Review Committee (BPRC). However, due to his recent hire as a teacher, he will be unable to attend meetings of the BPRC.

Upon motion by Mr. Cashman and second by Dr. Ferguson, Council voted unanimously to appoint James A. Zavinski, Sr. to serve as the City Council representative to the Blighted Property Review Committee.

POLICE PENSION COMMITTEE

Mr. Lewis stated that his recent hire as a teacher will preclude him from serving as the City Council representative to the Police Pension Committee and asked that another member of Council be appointed. This matter will be addressed at the September 17, 2012 meeting of City Council.

ADJOURNMENT

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