

**WARREN CITY COUNCIL  
REGULAR MEETING  
SEPTEMBER 17, 2018 – 7:30 PM**

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**OPENING OF MEETING**

Mayor Cashman presided over the September 17, 2018 regular meeting of Warren City Council in Council Chambers of the Municipal Building and opened the meeting with the Pledge of Allegiance.

**JUNIOR COUNCIL MEMBER OATH OF OFFICE**

Mayor Cashman administered the Oath of Office to incoming Junior Council Member Lily Striker. Miss Striker will serve for the 2018-2019 academic year.

**ROLL CALL**

Members present and responding to roll call were: Mayor Maurice Cashman, Elissa Davis, Gregory Fraser, Paul Giannini, Philip Gilbert, Richard Kolcharno, James A. Zavinski, Sr., and Junior Council Member Lily Striker. Members of City Staff present were Nancy Freenock, City Manager; Brandon Deppen, Chief of Police; David Hildebrand, Planner/Development Administrator; Michael Holtz, DPW Director; Teena Leary, Assistant City Clerk; Donna Risinger, Finance Officer; Terry Williams, Director of Codes, Permits, and Recreation Services; Chad Yurisc, City Engineer; and Andrea Stapleford, City Solicitor.

**APPROVAL OF MINUTES**

Upon motion by Mr. Zavinski and second by Mr. Gilbert, the minutes of the August 20, 2018 Regular Meeting were unanimously approved.

**RECOGNITION OF VISITORS**

Mayor Cashman welcomed all visitors. Present were:

- Karen Davis: Recognition of Elissa Davis, exiting Council member
- Mark Davis: Recognition of Elissa Davis, exiting Council member
- Pauline Steinmeyer: Observing
- Mike Striker: Lily Striker, incoming Junior Council member
- Josh Cotton: Times Observer Reporter

**CORRESPONDENCE**

Council members acknowledged receipt of correspondence from:

- Trinity Memorial Church: Letter of thanks for special event assistance
- John Erickson: Personal letter of petition to Council requesting that property owners “have a say over that area of the public way defined as right of way and owners’ properties” and also addressing other “abuses of the public way.”

**AGREEMENTS: EXPERIENCE, INC. & WEST STREET CONNECTION d/b/a GMR TECHNOLOGY**

Mrs. Freenock stated that, through prior agreements with the City, Experience, Inc. leases a portion of property (WN-579-1342) owned by the City and located on Clark Street across from the GMR Technology loading dock. Experience, Inc. utilizes the property to provide parking for the Allegheny Community Center (ACC).

In addition, tractor/trailer combination vehicles must pull onto a portion of the property in order to back into the GMR loading dock which is located across from the property and is utilized for the receipt and shipment of equipment, materials, and products.

To allow for continued parking for the ACC and to provide an unimpeded lane for tractor/trailers to access the GMR loading dock, it was recommended that existing

agreements with Experience, Inc. be terminated and separate agreements be entered into with Experience, Inc. and GMR Technology. The proposed agreements define the area and terms of use for the respective parties.

During discussion Mayor Cashman noted his concern pertaining to liability to the City in regard to ACC clients and employees walking on a gravel lot in inclement weather. Mrs. Freenock noted that the agreement requires that Experience, Inc. provide a Certificate of Liability Insurance naming the City as “also insured” with respect to the leased property. It was also noted that the Lease Agreement includes a clause stating that certain weather conditions may result in the property being unsuitable for parking purposes.

**Agreement: Experience, Inc.**

Mr. Fraser made the motion to approve the Experience, Inc. Lease Agreement for a portion of City-owned Parcel No. WN-579-1342 to provide a parking area for the Allegheny Community Center. The motion was seconded by Miss Davis and carried with six votes in the affirmative and one nay vote cast by Mayor Cashman.

**Agreement: West Street Connection, LLC, d/b/a GMR Technology**

Mr. Fraser made the motion to approve the License Agreement for West Street Connection, LLC, d/b/a/ GMR Technology to utilize a portion of City-owned Parcel No. WN-579-1342 for tractor/trailer combinations to access the GMR Technology Loading Dock. The motion was seconded by Miss Davis and carried with six votes in the affirmative and one nay vote cast by Mayor Cashman.

**AGREEMENT: HIY, INC. PARKING LEASE**

Mrs. Freenock noted that HIY, Inc. recently acquired a portion of the building commonly known as the Loranger Building. It is HIY’s intent to develop the property for multi-tenant commercial use. To facilitate such development, Ruzhdi Bakalli, HIY president, requested that the City enter into a lease agreement under which HIY would lease a City-owned property located on Clark Street for the purpose of providing parking space for HIY’s tenants and their customers. This item was first presented for Council’s consideration at the July 16 Council meeting. During discussion, concerns regarding certain terms of the agreement were raised and, therefore, the item was tabled.

During discussion Mayor Cashman noted his concerns (1) that the area to be leased is not paved and (2) the temporary nature of the agreement and what will happen if/when the City terminates the lease. Mrs. Freenock indicated that there is a vacant lot to the west of HIY’s property that may be available for parking should it become necessary; however, that area was not requested by Mr. Bakalli and it is planned that it remain available for future development. Mrs. Freenock also noted that HIY’s grant and loan funding sources require that the funds be utilized for improvements to the building and may not be used to make improvements to the parking area. Mr. Gilbert noted that, if necessary, additional gravel could be placed on the lot at a reasonable cost.

Mr. Fraser made the motion to approve the HIY, Inc. Lease Agreement for City-owned Parcel No. 579-7871 to provide parking for tenants of the property being developed by

HIY, Inc. The motion was seconded by Miss Davis and carried with six votes in the affirmative and one nay vote cast by Mayor Cashman.

**PUBLIC HEARING: PROPOSED ZONING ORDINANCE AMENDMENT**

Mr. Hildebrand stated that the City Zoning Ordinance does not 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.

Prior to enactment of any ordinance which would amend the Zoning Ordinance, it is required that the City of Warren Planning Commission review the proposed regulations and provide any recommendations they may have. It is also required that Council hold a Public Hearing regarding the proposed regulations

Upon motion by Miss Davis and second by Mr. Gilbert, Council members voted unanimously to set October 15, 2018, at 7:30 PM as the time for a public hearing regarding the proposed Zoning Ordinance amendment related to front yard parking regulations and to refer the proposed ordinance to the Planning Commission for its final review and recommendation.

**AGREEMENT: PENNSYLVANIA SENIOR HOUSING ASSOCIATES, LP, EASEMENT**

Mrs. Freenock stated that at the time that the City conveyed the property located at the southeast corner of Pennsylvania Avenue West and Liberty Street (commonly referred to as "Liberty East") to the Redevelopment Authority (RDA), the City retained an easement.

The RDA will deed the property to Pennsylvania Senior Housing Associates, LP. However, prior to Senior Housing Associates proceeding with development of the property, it is necessary that an agreement defining terms and covenants with respect to the use, maintenance, and enjoyment of the easement be entered into.

Upon motion by Mr. Fraser and second by Mr. Giannini, Council members voted unanimously to approve the Easement Agreement with Pennsylvania Senior Housing Associates, LP.

**RESOLUTION NO. 3074: FAIR HOUSING**

Mr. Hildebrand stated that a Fair Housing resolution was prepared in accord with requirements of the Pennsylvania Department of Community and Economic Development's (DCED) Community Development Block Grant (CDBG) program. He further noted that, upon adoption, the resolution will be submitted to DCED.

Upon motion by Mr. Fraser and second by Mr. Giannini, Council members voted unanimously to adopt the Fair Housing resolution.

**LETTER OF INTENT: TECHNICAL ASSISTANCE GRANT APPLICATION**

Mrs. Freenock noted that the Internal Revenue Service designated two census tracts within the City as Opportunity Zones. The Zones are part of a new federal program which allows private investors to make equity investments (via capital gains tax deferrals) in funds that will then invest in businesses, real estate, and other ventures in designated

communities. It was proposed that a Letter of Intent requesting technical assistance for the development of a marketing package be submitted to the Governor's Center for Local Government Services. The goal is to obtain assistance from an individual or firm with experience in economic development so that the City may realize the greatest potential within the Opportunity Zones. Mrs. Freenock noted that it is required that the local governing body approve the request for assistance prior to submission of the Letter of Intent.

Upon motion by Miss Davis and second by Mr. Gilbert, Council members voted unanimously to authorize the submission of a Letter of Intent requesting technical assistance regarding development of an Opportunity Zones marketing package.

### **STREET BANNERS: RESOLUTION NO. 3075 AND WARREN PLAYERS AGREEMENT**

Mrs. Freenock indicated that the City presently maintains three street banner pole locations which may be reserved by organizations for the purpose of advertising upcoming events. Mr. Giannini was recently contacted by the Warren Players with a request for the installation of an additional banner location. The Players stated that the demand for the current locations has made it difficult for them to reserve one, or more, locations within the desired timeframe in relation to their performances.

Prior to installation of poles for the purpose of displaying banners across the roadway, PennDOT permission must be obtained. The Players have indicated that, upon the City receiving PennDOT approval, they will pay the costs of the poles and wires, as well as installation costs, at a new location in exchange for the right of first scheduling for a period of ten years. The proposed banner location is across Pennsylvania Avenue West near East Street. Under the terms of the draft agreement between the City and the Players, the Players would have exclusive scheduling rights for the new location until January 1 of each of the next ten years; thereafter, other organizations may initiate a reservation for installation dates throughout the current calendar year.

As part of the PennDOT authorization process, the City must provide a resolution identifying the banner pole location and Council's approval of same.

#### **Resolution No. 3075**

Upon motion by Mr. Giannini and second by Mr. Gilbert, Council members voted unanimously to approve the resolution amending Chapter 155 of the Code of the City of Warren and establishing a street banner pole location on Pennsylvania Avenue West near East Street.

#### **Warren Players Agreement**

Upon motion by Mr. Giannini and second by Mr. Gilbert, Council members voted unanimously to approve the agreement with Warren Players for the installation and scheduling of the banner poles to be located on Pennsylvania Avenue West near East Street.

### **BID AWARDS**

Mr. Holtz stated that City staff developed and advertised specifications and received bids for the following contracts:

### **Sidewalk Snow and Ice Removal**

One bid for this two-year contract was received from Curtis Contracting and Services.

Upon motion by Mr. Fraser and second by Mr. Gilbert, Council members voted unanimously to approve award of the two-year contract for Sidewalk Snow and Ice Removal to Curtis Contracting and Services, P.O. Box 118, Tiona, PA.

### **Parking Area Snow Plowing Contract**

One bid for this two-year contract was received from Curtis Contracting and Services.

Upon motion by Mr. Fraser and second by Mr. Gilbert, Council members voted unanimously to approve award of the two-year contract for Parking Area Snow Plowing to Curtis Contracting and Services, P.O. Box 118, Tiona, PA.

### **APPOINTMENT OF COMMUNITY FORESTER**

Mr. Holtz stated that Chapter 431, Subsection 431-8.C. of the Code of the City of Warren requires that the Street Landscape Committee select and recommend to Council a qualified person to act as Community Forester with the appointment to be made by City Council. It was noted that the City previously contracted the services of a forestry company to act as the Community Forester. However, the City now has a certified arborist on staff and it was determined that it is no longer necessary to contract for these services. Joseph Reinke, DPW Superintendent, is certified as an arborist and is qualified to serve as the Community Forester. At its regular meeting on July 24, the Street Landscape Committee voted to recommend that Council appoint Joe Reinke as the Community Forester.

Upon motion by Mr. Gilbert and second by Mr. Zavinski, Council members voted unanimously to appoint Joseph Reinke as the Community Forester.

### **AGREEMENT: CITY MANAGER**

Mayor Cashman stated that the current employment agreement between the City and Nancy Freenock, City Manager, will expire on December 31, 2018. He further stated that he and Mr. Fraser reviewed the agreement, the City Charter, and the Third Class City Code and found that it is desirable to enter into an agreement for the continuation of her employment for a term commencing January 1, 2019, and expiring on December 31, 2022.

Upon motion by Mr. Kolcharno and second by Mr. Zavinski, Council members voted unanimously to approve the four-year agreement with Nancy Freenock to serve as the City Manager through December 31, 2022.

### **COUNCIL MEMBER RESIGNATION**

Mayor Cashman announced that it was with regret that Council would accept the letter of resignation submitted by Council member Elissa Davis. In the letter, Miss Davis indicated that she will be moving out of the area and, therefore, could not fulfill her term on Council.

Mayor Cashman wished Miss Davis well and presented her with a memento of her service to Council and to the City of Warren. Miss Davis responded that she enjoyed her time on City Council and appreciated

### **COUNCIL VACANCY**

Ms. Stapleford stated that in accord with Chapter C, Article IV, of the Home Rule Charter, any vacancy in an elected office is to be filled by a vote of Council within thirty (30) days after the occurrence of such vacancy. Any person so appointed shall have the same qualifications as those set out for persons elected to the office. Miss Davis served in excess of eighteen (18) months of her term; therefore, the new appointee shall serve for the remainder of the term (i.e. until January 1, 2020).

Ms. Stapleford noted that, in the case of past vacancies, Council invited interested persons to submit a letter of intent and a resume to the attention of the City Manager. The application materials were then assembled and provided to Council members for their review.

The next regular meeting of Council will be on October 15, which falls within the thirty-day appointment period. The vacancy may be advertised with application packages being due to the City Manager not later than noon on Wednesday, October 10. Applications will be provided to Council for review and the appointment will be on the agenda for the October 15 Council meeting.

Upon motion by Mr. Fraser and second by Mr. Gilbert, Council members voted unanimously to authorize the advertisement and receipt of application materials regarding the Council seat vacated by Elissa Davis for the term ending January 1, 2020.

### **DEPARTMENT REPORTS – AUGUST, 2018**

The following reports were presented for Council's review:

- Police Department
- Fire Department
- Department of Public Works

### **APPROVED MINUTES OF BOARDS AND COMMISSIONS**

Council acknowledged receipt of the following approved minutes:

Street Landscape Committee                      –    July 24, 2018                      Regular Meeting

### **ADJOURNMENT**

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