

**WARREN CITY COUNCIL
REGULAR MEETING
SEPTEMBER 19, 2016 – 7:30 PM**

PUBLIC HEARING: COUNTRY FAIR, INC. APPLICATION FOR LIQUOR LICENSE TRANSFER

Mayor Maurice Cashman opened the Public Hearing. Mrs. Freenock stated that the City was in receipt of application materials from Country Fair, Inc., regarding its request for a City resolution in support of its application to the Pennsylvania Liquor Control Board for the transfer of an existing Liquor License (No. R-20980) from Deerfield Township into the City of Warren. She noted that the purpose of the Public Hearing was for City Council to hear comments and concerns from the public regarding this application.

There being no citizens wishing to comment, Mayor Cashman declared the public hearing closed.

PUBLIC HEARING: 2016 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

Mayor Cashman opened the Public Hearing. Mr. Hildebrand stated that City staff proposed the submission of an application to the Pennsylvania Department of Community and Economic Development under the Small Communities Program (SCP) for \$272,958 in FFY 2016 Entitlement Funds. These funds are available for community development activities which will benefit low- and moderate-income (LMI) persons, address slums or conditions of blight, or meet a community development need of particular urgency. At least 70 percent of such funds must be spent on activities benefiting low- and moderate-income persons.

The proposed use of the funding is for street and road improvements on Stone Hill Road. Also proposed is utilization of funding for the Public/Community Facilities (CDBG) Activity for the elimination of slum and blight on an area basis within the designated downtown redevelopment area (Streetscape I Project loan repayment).

It was noted that two (2) public hearings must be held in accordance with program guidelines in order to request Council's approval of the application submission during the regular Council Meeting of this date. In addition to this hearing, a public hearing was held on August 18, 2016, at 9:00 AM.

City resident Pauline Steinmeyer addressed Council and noted that she attended the August 18 public hearing at which time she proposed additional uses for funds. Mrs. Steinmeyer requested that Council consider establishing a fund to provide financial assistance to low-income residents for the purpose of performing necessary sidewalk work.

There being no other residents wishing to comment, Mayor Cashman declared the public hearing closed.

OPENING OF REGULAR MEETING

Mayor Cashman presided over the September 19, 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 regarding acquisition of property immediately prior to this meeting.

ROLL CALL

Members present and responding to roll call were: Mayor Maurice Cashman, Elissa Davis, Philip Gilbert, Richard Kolcharno, John Lewis, James A. Zavinski, Sr., and Junior Council Member Joshua Chimenti. Gregory Fraser was absent. Members of City Staff present were Mrs. Freenock,

Mr. Hildebrand, Mr. Holtz, Mrs. Leary, Chief Pascuzzi, Mrs. Risinger, Mr. Sceiford, Chief Zydonik, and Ms. Stapleford as well as Police Sgt. Deppen.

JUNIOR COUNCIL MEMBER OATH OF OFFICE

Mayor Cashman introduced Joshua Chimenti and administered the Junior Council Member Oath of Office. Mr. Chimenti will serve during the 2016-2017 academic year.

APPROVAL OF MINUTES

Upon motion by Mr. Zavinski and second by Miss Davis, the minutes of the August 22, 2016 Regular Meeting were unanimously approved by Council members present.

RECOGNITION OF VISITORS

Mayor Cashman welcomed all visitors. Present were:

- John Wagner: General Counsel for United Refining Company/Country Fair, Inc.
- Paul Rankin: Vice-President, United Refining Company (Country Fair, Inc.)
- Becky Chimenti: Junior Council member parent
- Tony Chimenti: Junior Council member parent
- Sandy Wilks: Junior Council member teacher
- Angie Dart: R.W. Larson Architects (Agenda Item No. 1.h.)
- Pauline Steinmeyer: CDBG Public Hearing comments
- Josh Cotton: Times Observer Reporter

CORRESPONDENCE

Council members acknowledged receipt of correspondence from:

- Mayor Cashman advising Council of his receipt of \$100 for performing a marriage ceremony
- Notification from Berenfield Containers, Inc. regarding its application to the PA Dept. of Environmental Protection for a State Only Operating Permit to continue operating equipment at its Warren plant.

RESOLUTION NO. 3011: APPROVAL OF LIQUOR LICENSE TRANSFER

(See also August 22, 2016 Council minutes and Public Hearing above)

Following brief discussion, Mr. Zavinski made the motion to approve the resolution approving the Country Fair, Inc. application to transfer a Liquor License into the City of Warren. The motion was seconded by Mr. Gilbert and carried with four votes in the affirmative and two nay votes cast by Mr. Lewis and Mr. Kolcharno (Mr. Fraser absent).

RESOLUTION NO. 3012: FFY 2016 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

(See Public Hearing above)

Upon motion by Mr. Zavinski and second by Miss Davis, Council members present (6) voted unanimously to approve the resolution authorizing submission of the FFY 2016 Community Development Block Grant Application.

PROPOSED RESOLUTION: RECERTIFICATION OF REDEVELOPMENT AREA

Mr. Hildebrand stated that the proposed resolution would recertify the Redevelopment Area for the Warren Downtown Economic Development Project (Streetscape). Council's approval of the resolution would allow the area to continue to be eligible for loan and grant funding under CDBG. The use of CDBG funds for the area would be limited to 30% of the annual City of Warren entitlement funding. The Redevelopment Area was originally certified in September, 2006.

Mrs. Freenock inquired as to whether the Redevelopment Area could be expanded to include the portion of Liberty Street which lies to the south of Pennsylvania Avenue West, Clark Street, and the building commonly known as the Loranger Building (located on Clark Street). Mr. Hildebrand stated that this could be done. Following favorable Council member comments, Mayor Cashman requested that this item be placed on the October regular meeting agenda and that the resolution include the above-referenced areas.

RESOLUTION NO. 3013: FAIR HOUSING STATEMENT

Mr. Hildebrand stated that, in accord with requirements of the Pennsylvania Department of Community and Economic Development's (DCED) Community Development Block Grant (CDBG) Program, an updated Fair Housing Resolution was prepared for Council's consideration.

Upon motion by Mr. Lewis and second by Mr. Kolcharno, Council members present (6) voted unanimously to approve the Fair Housing Resolution.

ORDINANCE NO. 1879: RESTRICTING USE OF ENGINE BRAKE RETARDERS

Chief Zydonik indicated that Councilman Gilbert advised him that he received a citizen request to prohibit the use of Engine Brake Retarders, commonly known as "Jake Brakes," on certain streets within the City. It was noted that in researching the requirements to enact such a restriction, it was determined that the PA Department of Transportation (PennDOT) requires that a traffic study be conducted on the proposed streets and Department approval must be received before enacting such restrictions.

PennDOT performed a traffic study and on July 12, 2016, the City received notice from the Department of Transportation indicating that the necessary criteria for Jake Brake restrictions had been satisfied and that, if desired, the City could enact such legislation and enforce the restrictions as stated in the Department of Transportation approval.

The streets approved by PennDOT are:

1. Route 62 from the off ramps of US 6 at Ludlow Street to the Conewango Township line on Market Street;
2. Market Street from Pennsylvania Avenue to US 62 (Fourth Avenue);
3. Park Avenue from Pennsylvania Avenue to the Glade Township line; and
4. Pennsylvania Avenue from Route 62 to the Glade Township Line.

Chief Zydonik noted that the affected streets would need to be posted in accord with PennDOT regulations. This would require a minimum of ten (10) signs at a cost of approximately \$2500, which includes installation.

Upon motion by Mr. Lewis and second by Mr. Gilbert, Council members present (6) voted unanimously to approve the ordinance prohibiting the use of Engine Brake Retarders on certain streets.

RIVERWALK TRAIL AND OVERLOOK

Mr. Holtz stated that on September 1, 2016, the City opened bids for the Riverwalk Trail and Bird Viewing Overlook Platform to be located along the 400 block of Pennsylvania Avenue West and extending to a point across from General Joseph Warren Park. It was noted that the project was bid in two separate contracts with one being for construction of the Bird Viewing Overlook Platform and the other for construction of the Riverwalk Trail.

Bird Viewing Overlook Platform

Mr. Holtz indicated that only one bid was received for this portion of the project and it was in excess of the budgeted amount. Therefore, it was recommended that the bid be rejected and that this portion of the project be rebid in 2017.

Upon motion by Mr. Lewis and second by Mr. Gilbert, Council members present (6) voted unanimously to reject the sole bid received for construction of the Bird Viewing Overlook Platform.

Riverwalk Trail

Mr. Holtz stated that two bids were received for this portion of the project with the apparent low bidder being Blue Rock Construction Company from Erie, PA with a price of \$81,462. It was noted that this amount was within the project budget.

Upon motion by Miss Davis and second by Mr. Lewis, Council members present (6) voted unanimously to approve award of the Riverwalk Trail bid to Blue Rock Construction Company for the bid price of \$81,462.

Mrs. Freenock extended thanks to the Pennsylvania American Water Company (PAWC) for offering to relocate a water line in the vicinity of the project area (at its expense), if necessary.

AUTHORIZATION TO REMOVE A PORTION OF SIDEWALK

Mrs. Freenock stated that the City received a request from David and Kathleen Jones, 15 Brook Street, requesting permission to remove a portion of the sidewalk on their property. The Jones property is a corner lot with the home facing Brook Street and the driveway entrance being on Roy Street. The Joneses plan to replace their driveway and, as part of the project, wish to remove the sidewalk blocks to the southwest of the driveway. It was noted that photographs provided by Mr. & Mrs. Jones evidence that the sidewalk does not extend beyond their property.

Mike Holtz, DPW Director, visited the site and determined that it would be nearly impossible to continue the sidewalk southwesterly to Conewango Avenue due to the slope and the ADA requirements that would need to be met.

Current ordinances pertaining to the installation and maintenance of sidewalks do not provide authorization for any City staff member to authorize the removal of a section of sidewalk. Therefore, it was requested that Council authorize the permanent removal of a portion of the sidewalk on the property at 15 Brook Street beginning at the northeast edge of the Roy Street driveway and continuing southwesterly.

Mr. Kolcharno made the motion to authorize the permanent removal of a portion of sidewalk on the property at 15 Brook Street beginning at the northeast edge of the Roy Street driveway and continuing southwesterly. The motion was seconded by Mr. Lewis and carried unanimously among the Council members present (6).

BUDGET REALLOCATION: PAVING TO CAPITAL IMPROVEMENT PROGRAM

Mrs. Freenock stated that the City applied for a grant in the amount of \$100,000 from the Pennsylvania Museum and Historic Commission (PHMC) for the purpose of funding renovations to the Municipal Building. The City allocated the remaining \$150,000 in project costs in the 2016 Capital Improvement Program (CIP) budget. However, the PHMC award to the City was in the amount of \$80,000. Mrs. Freenock indicated that the \$20,000 shortfall in anticipated PHMC grant funding could be funded through Redevelopment Assistance Capital Program (RACP) funding as the Liberty Street RACP project will come in under budget by approximately \$100,000.

As outlined in R.W. Larson Architects' Opinion of Probable Costs, the renovations will include replacement of doors and windows at the Fire Hall, work in the stairwells and rotunda of the Municipal Building, and renovations and repairs in Council Chambers which will include the addition of ADA assistive devices. In addition, a unisex restroom will be added in the basement as there is not currently a restroom for general employee and public use on that floor of the building. The project will be ready to bid in January 2017 and the work is expected to be completed by June 2017.

Mrs. Freenock stated that employee spaces at either end of the basement hallway which currently house Police Department facilities and the Building and Codes Department were created in 1982. This area of the basement also houses the wiring for the building computer system and phone equipment as well as the police radio system. Cost savings can be achieved by bundling the locker area renovation with the other work planned in the building. The estimated cost to rehabilitate the east (Police) end of the basement is \$168,000 and it is believed that \$68,000 of this amount can be funded through RACP.

Council's direction was that \$100,000 of the 2016 paving budget was to be used to address concrete streets. The intersection of Lexington Avenue and Parker Street is concrete and was the area chosen for improvements in 2016. In addition to catch basin and sanitary sewer work that must be completed, the City is also working to obtain a right-of-way from Osram Sylvania to widen the turning radius at the northeast corner of the intersection before paving commences. Traffic control during construction must also be developed in cooperation with United Refining Company as this intersection is heavily utilized by URC's trucks. It is expected that the cost of this project will approach \$170,000, of which only \$100,000 is available in 2016. Mrs. Freenock stated that in consideration of the foregoing points, it is not possible to begin this project until 2017.

Mrs. Freenock requested that \$100,000 from the 2016 paving budget be reallocated to the CIP to fund the necessary improvements to the Police locker room, exercise room, and break room. She noted that the 2017 paving budget, if approved by Council, will allocate \$200,000 for concrete street work.

Mr. Lewis made the motion to reallocate \$100,000 from the 2016 Paving budget to the 2016 Capital Improvement Program (CIP). The motion was seconded by Mr. Kolcharno and carried unanimously among the Council members present (6)

NOTICE OF INTENT: ADOPTION OF A WIRELESS FACILITY MANAGEMENT ORDINANCE

Mrs. Freenock noted that at the July 18, 2016 regular meeting, Council authorized retention of the Cohen Law Group to develop an ordinance pertaining to Wireless Facility Management. A draft ordinance was received by the City and, at the August 22, regular meeting, Council voted to refer the ordinance to the City Planning Commission for its review and recommendation. Council also set October 17 as the date for a public hearing regarding adoption of the Wireless Facility Management Ordinance.

Mrs. Freenock noted that Section 702. Publication of Notice of Enactment of Ordinances of the City's Home Rule Charter states in pertinent part:

- 2) In addition to the publication herein required after enactment of an ordinance, prior public notice of the intent to take action on a proposed ordinance may be made in any case at the discretion of Council...

In order to protect the best interests of the City and its residents under the Pending Ordinance Doctrine, it was recommended that a Notice of Intent to Adopt be published in regard to the Wireless Facility Management Ordinance.

Following brief discussion, Mr. Kolcharno made the motion to authorize publication of a "Notice of Intent to Adopt a Wireless Facility Management Ordinance." The motion was seconded by Mr. Lewis and carried unanimously among the Council members present (6).

WASTEWATER TREATMENT PLANT TOUR

Mrs. Freenock announced that employee-led tours of the new Wastewater Treatment Plant will be conducted on September 4, 2016, beginning at 9:00 AM. City Council members, administrative staff, Township Supervisors, and the general public are invited to attend.

Mayor Cashman offered his congratulations to the Department of Public works for facilitating a smooth transition as components of the prior plant were removed from service and the new plant was brought online.

DEPARTMENT REPORTS – AUGUST, 2016

The following reports were presented for Council’s review:

- Police Department
- Fire Department
- Department of Public Works
- Building Codes Department

Mayor Cashman and Council members commended the Department of Public Works for the manner in which it handled damage caused by recent severe storms.

APPROVED MINUTES OF BOARDS AND COMMISSIONS

Council acknowledged receipt of the following approved minutes:

Planning Commission	– June 15, 2016	Regular Meeting
Street Landscape Committee	– July 26, 2016	Regular Meeting

ADJOURNMENT

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