

**WARREN CITY COUNCIL
REGULAR MEETING
OCTOBER 15, 2012 – 7:30 PM**

OPENING OF MEETING

Mayor Mark A. Phillips presided over the October 15, 2012 regular meeting of Warren City Council held 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 immediately prior to this meeting regarding litigation regarding the Anchor Building Project, property issues, and litigation regarding amounts owed to the City for expenses of various boards and commissions of the City.

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, 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
- Michael Boyd: Northwest Savings Bank 2nd Harvest Food Bank Special Event Request
- Jennie Minich: Northwest Savings Bank 2nd Harvest Food Bank Special Event Request
- Mark McCullough: Northwest Savings Bank 2nd Harvest Food Bank Special Event Request
- Dale Keeney: Northwest Savings Bank 2nd Harvest Food Bank Special Event Request
- Bill Dorrian: Northwest Savings Bank 2nd Harvest Food Bank Special Event Request
- Dan Ristau: Main Street Christmas Walk & Parade Special Event Request and Request to address Council re: Allegheny Center for the Arts Building
- Joey Roy: Boonies, Inc., Boonies International Film Fest 2013 Special Event Request
- John Swedler: Minor Subdivision Request – 800 Conewango Avenue
- Sean Kiley: Minor Subdivision Request – 219 Eddy Street
- Amber Kiley: Minor Subdivision Request – 219 Eddy Street
- Josh Cotton: Times Observer reporter

APPROVAL OF MINUTES

Upon motion by Mr. Lewis and second by Mr. Zavinski, the minutes of the September 17, 2012 Regular Meeting were unanimously approved.

CORRESPONDENCE

Council members acknowledged receipt of the following correspondence:

- Paws Along the River (Humane Society): Letter of thanks for use of the DPW Complex parking area during their recent event
- Correspondence received from, and addressed to, the First United Methodist Church regarding its request for a “No Parking” area on Watson Place adjacent to the Church
- Northwest Savings Bank: Request for establishment of a temporary Loading Zone on Liberty Street which would expire on, or before, March 31, 2014. The Loading Zone was requested as a result of changes in delivery access due to Northwest’s construction project.

During discussion of Northwest Savings Bank’s request for a temporary loading zone, various locations were discussed including utilization of areas on Liberty Street between Pennsylvania Avenue and Second Avenue as well as spaces located on Second Avenue east of the intersection

with Liberty Street. Representatives of Northwest Savings Bank stated that the request is the result of the established delivery access being blocked due to the bank's construction project. The sensitivity of documents being transported requires that delivery vehicles be able to park in the immediate vicinity of a newly-designated access point.

Ms. Nau noted that the City Manager is authorized to establish temporary (90-day) construction parking regulations and suggested that this be done to satisfy the Bank's construction needs. Chief Zydonik noted that this would provide an opportunity to confirm that the established location is appropriate. He further noted that the loading zone would not be for the exclusive use of Northwest Savings Bank.

The motion was made by Mr. Lewis and seconded by Mr. Harvey to accept establishment of a temporary (90-day) loading zone on Liberty Street north of Pennsylvania Avenue with the City Manager to issue the authorization.

Upon further discussion, Mr. Lewis amended his motion by calling for the establishment of a loading zone on Second Avenue. Following further discussion and lacking a second, Mr. Lewis withdrew the amended motion.

Upon Mayor Phillips call, the original motion establishing a loading zone on Liberty Street carried unanimously.

DEPARTMENT REPORTS – SEPTEMBER, 2012

The following reports were presented to Council:

Police Department – Presented by Chief Zydonik

Fire Department – Ms. Freenock noted that the report was provided for Council's review

Department of Public Works – Presented by Michael Holtz

Building Codes Department – Presented by Alan Gustafson

Finance Department – Third Quarter Report provided for Council's review

In regard to Chris Bunk's request for a reduced speed limit and alternate parking restrictions on Alson Street (see September 17, 2012 Regular Council Meeting minutes), Chief Zydonik presented photos of the subject area. He stated that the length and width of the street do not warrant changes to existing speed and parking regulations.

Mr. Lewis requested that consideration be given to milling and paving an area within the 200 block of Pennsylvania Avenue prior to the seasonal closure of asphalt plants. Mr. Holtz indicated that it would be possible to do so, however, it would be at an estimated cost of \$15,000 to \$20,000. Mr. Holtz noted that it was the Department of Public Works' plan to address the paving of this area following completion of the Northwest Savings Bank construction project which is located in this block and involves heavy equipment being on the street. He further noted that this area is scheduled for a more complete rehabilitation in the next two to three years utilizing PennDOT Turnback Funds.

Mr. Lewis made the motion to direct the City Manager and DPW Director to explore options for paving a portion of the 200 block of Pennsylvania Avenue as an emergency repair and establishing a cap of \$18,000 for completion of the work. The motion was seconded by Mr. Cashman and carried with four votes in the affirmative and three negative votes being cast by Mr. Harvey, Mr. Park, and Mayor Phillips.

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. Disabled American Veterans	Veterans’ Day Observance	Soldiers and Sailors Park	Sun. 11/11/12 10:00 AM to 1:00 PM
Motion to approve made by Mr. Lewis, second by Mr. Harvey, approved unanimously.			
b. Northwest Savings Bank	Annual Second Harvest Food Drive	Liberty Street: PA Ave to Second Ave	11/13/12, 8:00 PM to 11/14/12, 8:00 PM
Motion to approve made by Mr. Zavinski, second by Dr. Ferguson, approved unanimously.			
c. Warren Business District Coalition/Main Street	Christmas Parade & Walk	Parade Staging: Poplar & Hazel (3 rd to 4 th) Parade: Begin at Hazel, proceed on 3 rd to Hickory, right on Hickory to PA Ave, left on PA Ave to Liberty, left on Liberty to 3 rd Disperse: Liberty between 3 rd and 4 th Tree lighting at Municipal Building	Friday, 12/07/12 6:00 PM to 8:00 PM
Motion to approve made by Mr. Zavinski, second by Mr. Cashman, approved unanimously.			
d. The Boonies, Inc.	The Boonies International Film Festival 2013	Liberty Street: Second to Third Avenue	Wed. 8/14/13 to Sat. 8/17/13

Mr. Harvey made the motion to table this request to the November meeting to give merchants an opportunity to comment. Dr. Ferguson seconded the motion which carried unanimously.
Mr. Park made the motion to tentatively place the requested dates on the Special Events calendar pending final approval. Mr. Harvey seconded the motion which carried unanimously.

During discussion of the request by Boonies, Inc. for the 2013 Boonies International Film Festival, Council members expressed concern regarding the impact that closure of a full block of Liberty Street for the duration of the event would have on local merchants.

DANIEL RISTAU ADDRESS TO COUNCIL

Mr. Ristau addressed Council and asserted that a member of the former GRO-Warren organization had made public comments as to whether the City would pursue legal action regarding the Allegheny Center for the Arts Project (Anchor Building) and expressed his concern that this may be occurring. Mr. Ristau also stated that he had been subpoenaed and had testified before the Grand Jury relative to GRO-Warren.

RESOLUTION NO. 2899: SWEDLER MINOR SUBDIVISION, 800 CONEWANGO, WN-573-1555

Mr. Hildebrand stated that John Swedler, applicant, filed a minor subdivision application for WN-573-1555 located at 800 Conewango Avenue. The subdivision would annex 4500 square feet (Lot #1) to the John Swedler property per the provided plat. He further stated that the City of Warren Planning Commission at their September, 2012 meeting recommended approval of this minor subdivision.

Upon motion by Mr. Lewis and second by Mr. Zavinski, Council members voted unanimously to approve the Swedler Minor Subdivision.

RESOLUTION NO. 2900: KILEY MINOR SUBDIVISION, 219 EDDY STREET, WN-577-4765

Mr. Hildebrand stated that Sean Kiley, applicant, filed a minor subdivision application for WN-577-4765, located at 219 Eddy street. The Subdivision would annex 5,035.891 square feet (Lot #2) to the Sean Kiley property per the provided plat. The City of Warren Planning Commission at their September meeting recommended approval of this minor subdivision.

Upon motion by Mr. Lewis and second by Mr. Harvey, Council members voted unanimously to approve the Kiley Minor Subdivision.

CITY OF WARREN CONVENTION CENTER AUTHORITY

Ms. Nau stated that a private developer(s) sought to utilize Infrastructure and Improvement Project (IFIP) funding in conjunction with the development of a hotel/convention center which was to have been located on Clark Street. The City of Warren Convention Center Authority (WCCA) was formed to meet the requirements of this specific type of grant funding and, since its first meeting in August of 2008, strove to perform due diligence in reviewing all plans brought before it. In May of this year, the WCCA was advised by the developer that utilization of the IFIP funding was no longer necessary or desired.

Certain expenses including insurance premiums, audit expenses, and solicitor's fees are inherent and were incurred by the Authority during the course of its existence. Warren City Council provided for the payment of these expenses in anticipation of reimbursement at such time as the proposed project moved forward. At the time that the Authority was advised that the developer would not utilize the IFIP funding, the developer, Timothy King/Warren Development Group, pledged that amounts currently owed by the Authority to the City as well as estimated pro forma expenses, \$16,113.00 in total, would be paid by the Warren Development Group. The most recent communication from Mr. King indicated that payment could be expected by September 7, 2012. To date, payment has not been received. At their regular meeting on October 2, Authority members carefully considered available options to further seek payment of the pledged amount and it was the consensus that expenses that would likely be incurred in so doing were not justifiable.

Ms. Nau further stated that it is the consensus of the current members of the WCCA, Gary Baldensperger, Chairman; Gregory Fraser, Vice-Chairman; and T. K. Creal, Treasurer, that, absent IFIP funding and/or a known convention center project, it is in the best interest of the City that the Authority move to an "inactive" status. To this end, all members agreed to submit their resignation from the Authority to be effective October 30, 2012. In so doing, additional expenses relative to the Authority will be minimized by:

- 1) Cancellation of insurance policies which would be due for renewal in November, 2012.
- 2) Reducing the number of audits of the Authority's books to be performed. In the event that the Authority was active on January 1, 2013, an audit for FFY 2013 would be required in addition to the FFY 2012 audit.
- 3) By moving the Authority to an "inactive" status, costs relative to the dissolution of an authority would not be incurred.
- 4) Should the need again arise for the existence of a Convention Center Authority, Council would be able to appoint new members to bring the Authority back to "active" status.

The Authority voted to assign, by Resolution No. 1-2012 of the Authority, all Authority obligations to the City of Warren.

Ms. Freenock requested that there be a statement from the Authority Board that, to the best of their knowledge, the Authority does not have any additional obligations and that there are no claims made or pending.

Mr. Lewis made the motion to acknowledge the City of Warren Convention Center Authority's Resolution No 1-2012 assigning all rights and obligations of the Authority to the City of Warren with such acknowledgement being pending receipt of a statement that to the best of its knowledge the Authority has no obligations in addition to those stated and no claims made or pending. The motion was seconded by Mr. Cashman and carried unanimously.

Mr. Lewis made the motion to acknowledge the resignation of all current members of the City of Warren Convention Center Authority (Gary Baldensperger, Gregory Fraser, and T.K. Creal) effective October 30, 2012. The motion was seconded by Mr. Park and carried unanimously.

Mr. Lewis made the motion to authorize the City Manager to execute Insurance Policy Cancellation Requests regarding the City of Warren Convention Center Authority's policies contingent upon receipt of a statement that there have been no claims made or pending. The motion was seconded by Mr. Park and carried unanimously.

ORDINANCE NO. 1817: ELIMINATING TWO PARKING METERS ON LIBERTY STREET

Chief Zydonik stated that in accord with Council's action at its regular meeting on September 17, an ordinance eliminating two parking meters on Liberty Street was prepared for Council's consideration. The two meters to be eliminated are located on the east side of the northern end of the block located between Second and Third Avenues.

Upon motion by Mr. Lewis and second by Mr. Harvey, Council voted unanimously to approve the ordinance eliminating two parking meters on Liberty Street.

RESOLUTION NO. 2901: DISTRIBUTION OF STATE AID TO PENSION PLANS

Ms. Freenock stated that, as required by the provisions of Act 205, the City must distribute the Commonwealth's 2012 Allocation of State Aid to Pension Plans among the City's three plans. The allocation for 2012 is in the amount of \$336,154.32. It was recommended that the allocation be distributed as follows:

Firefighters Pension Plan	\$101,786.00
Police Pension Plan	\$ 98,434.69
Municipal Employee Pension Plan	\$135,933.63

Upon motion by Mr. Cashman and second by Mr. Park, Council members voted unanimously to approve the resolution for the allocation of State Aid to Pension Plans.

Ms. Freenock noted that the City will be required to provide \$177,930 (budgeted) to meet the obligations of the 2012 Minimum Municipal Obligation (MMO) for pension plans. This amount is in addition to the State Aid funds received.

CORRESPONDENCE: SUPPORT FOR HOUSE BILL NO. 1329 – PREVAILING WAGE ACT

Ms. Nau stated that the current Prevailing Wage Act of the Commonwealth of Pennsylvania was last amended in 1963 and mandates that any "Public Work" to be performed under contract to be paid for in whole or in part out of the funds of a public body where the estimated cost of the total project is in excess of \$25,000 is subject to the payment of prevailing wages. It was noted that by today's standards, this threshold is quite low and comes into play for relatively small projects. As such, it results in significantly higher project costs and, often times, completion of fewer projects.

Ms. Nau further stated that House Bill No. 1329 would amend the Act by increasing the project threshold for payment of prevailing wages to \$185,000. It would be expected that significant savings would be recognized by municipalities under the amended Act. It could also be concluded that local

contractors who may not have the resources to provide prevailing wages would be able to bid, and be awarded, contracts for local projects and, thus, supporting the local business community.

Representative Kathy Rapp has indicated that she wishes to be made aware of municipal support for House Bill No. 1329. Therefore, correspondence was drafted for Council's consideration.

Upon motion by Mr. Lewis and second by Mr. Harvey, Council members voted unanimously to submit the correspondence in support of House Bill 1329 to State Representative Kathy Rapp.

PENNPRIME WORKSAFE PROGRAM PLEDGE

Ms. Nau reported that PennPRIME, the City's Workers' Compensation carrier, has implemented an injury reduction program known as WorkSafe. This program was developed to assist members who are experiencing high loss ratios by promoting activities and procedures that will lower exposures and, thereby, reduce the cost of claims. Participation by qualifying PennPRIME members is voluntary, however, non-participation will result in a financial penalty being applied to the premium.

Ms. Nau noted that the City's Safety Committee has worked diligently to promote safe workplaces and procedures throughout the City's facilities. However, there have been a few unfortunate, high-cost accidents which have resulted in the City being identified as qualifying for the WorkSafe Program.

Upon motion by Mr. Park and second by Mr. Cashman, Council members voted unanimously to acknowledge the WorkSafe Program Pledge and to authorize the Mayor and City Manager to execute and submit the Pledge.

ADJOURNMENT

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