

**WARREN CITY COUNCIL
PUBLIC HEARINGS (2) AND REGULAR MEETING
OCTOBER 15, 2018 – 7:30 PM**

PUBLIC HEARING: FFY 2018 CDBG FUNDING 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 for \$296,249 in FFY 2018 Entitlement Funds.

The proposed use of the funding is for street and road improvements on S. South Street. Also proposed is the 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 payment).

Mr. Hildebrand noted that this was the second public hearing regarding the FFY 2018 application with the first having been held at 9:00 AM on September 14 in Council Chambers of the Municipal Building.

There being no citizens present who wished to provide comment, Mayor Cashman declared the hearing closed.

PUBLIC HEARING: PROPOSED ZONING AMENDMENT – FRONT YARD PARKING

Mayor Cashman opened the public hearing. Mr. Hildebrand stated that the City of Warren 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.

Martin Hagstrom addressed Council and stated that residents with very small yards may have no option other than parking in their front yard. He further stated that he believes that the property owner should have the right to do as they wish on their property.

There being no other citizens who wished to provide comment, Mayor Cashman declared the hearing closed.

OPENING OF MEETING

Mayor Cashman presided over the October 15, 2018 regular meeting of Warren City Council in Council Chambers of the Municipal Building and opened the meeting with the Pledge of Allegiance. The Mayor announced that Council met in Executive Session on October 1 for the purpose of obtaining legal advice from the Solicitor and for discussion in regard to the leasing of City property.

ROLL CALL

Members present and responding to roll call were: Mayor Maurice Cashman, Paul Giannini, Philip Gilbert, Richard Kolcharno, James A. Zavinski, Sr., and Junior Council Member Lily Striker. Gregory Fraser was absent and there is one vacant seat following the resignation of Elissa Davis (*see 9/17/18 Council minutes*). 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; Sam Pascuzzi, Fire Chief; Donna Risinger, Finance Officer; Terry Williams, Director of Codes, Permits, and Recreation Services; Chad Yurismic, City Engineer; and Andrea Stapleford, City Solicitor.

APPROVAL OF MINUTES

Upon motion by Mr. Giannini and second by Mr. Gilbert, the minutes of the September 17, 2018 Regular Meeting were unanimously approved by Council members present (5).

Upon motion by Mr. Giannini and second by Mr. Gilbert, the minutes of the October 1, 2018 Special Meeting were unanimously approved by Council members present (5).

RECOGNITION OF VISITORS

Mayor Cashman welcomed all visitors. Present were:

- Josephine Gerardi: Street Landscape Committee report on activities in 2018
- Pauline Steinmeyer: Observing
- Martin Hagstrom: Zoning Amendment and PA Avenue West & Market Street Intersection
- Mike Striker: Observing
- John Wortman: Applicant for Council seat vacated by Elissa Davis
- Scott Baxter: Applicant for Council seat vacated by Elissa Davis
- Angie Dart: Observing
- Josh Cotton: Times Observer Reporter

CORRESPONDENCE

There was no correspondence to come before Council.

STREET LANDSCAPE COMMITTEE REPORT ON 2018 ACTIVITIES

Josephine Gerardi, Chair of the City's Street Landscape Committee, addressed Council and provided information regarding the Committee's 2018 activities including: the annual Arbor Day observance, dedication of the Riverwalk Overlook, Civic Beautification Awards, online Tree Tenders training through Penn State University, a series of newspaper articles regarding the Tree Tenders topics, tree evaluations, spring tree plantings, the upcoming fall tree plantings, tree removals, and the impact of the emerald ash tree borer on City trees. Ms. Gerardi stated that the spotted lantern fly, an invasive species that damages a variety of trees, is present in Pennsylvania. She noted that the City's diverse tree stock allows the overall tree population to remain healthy even in cases of attacks by invasive insects. She noted the retirement of Tom Frair who served as the City Arborist for many years and stated that Joe Reinke, DPW Superintendent and Arborist is doing a "tremendous" job.

The following sub-committees were formed and have been meeting throughout the year:

1. Members are researching and giving consideration to a transition from a Street Landscape Committee to a Shade Tree Commission.
2. Members are participating in planning the Healing Garden which will be developed as part of the Crescent Park Rehabilitation Project.

VACANT COUNCIL SEAT

Mayor Cashman stated that the City received letters of intent and resumes from eight individuals interested in filling the Council seat vacated by Elissa Davis (see 9/17/18 Council minutes) and that copies of such were provided to all Council members. He stated that any Council member could nominate one of the eight individuals and that a second to the nomination would not be required. In the event of more than two nominations, successive votes would be taken with the name of the person receiving the fewest votes in each round of voting to be cast out. It was further noted that, per the City Charter, a minimum of four affirmative votes is required for any Council action. Mayor Cashman suggested that in the event of a tie vote, the names be placed in a cup with one to be drawn by the Solicitor.

John Wortman and Scott Baxter were present and each addressed Council regarding their interest in fulfilling the term of the vacant seat.

Nominations and first round of voting:

Mr. Kolcharno nominated John Lewis – received two votes

Mr. Giannini nominated Scott Baxter – received two votes

Mayor Cashman nominated John Wortman – received one vote and his name was cast out

Second round of voting:

John Lewis – received three votes

Scott Baxter – received two votes

Third round of voting:

John Lewis – received three votes

Scott Baxter – received two votes

As no candidate received the requisite four votes after three rounds of voting, Mayor Cashman suggested that a name be drawn followed by a vote of confirmation. Ms. Stapleford, City Solicitor, further reviewed the Home Rule Charter as well as other governing documents and determined that this would not be permissible. It was then stated that having not attained four affirmative votes for any candidate, the Charter requires that the appointment be made by a judge in the Court of Common Pleas. Ms. Stapleford will further review, and carry out, the procedure to petition for a judicial appointment.

RESOLUTION NO. 3076: FFY 2018 CDBG APPLICATION

Mr. Hildebrand stated that it was proposed that an application for \$296,249 in FFY 2018 Entitlement Funds be submitted to the Pennsylvania Department of Community and Economic Development under the Small Communities Program.

The proposed use of the funding is for street and road improvements on S. South Street. Also proposed was the utilization of funding for the Public/Community Facilities Activity under the Community Development Block Grant (CDBG) Program for the elimination of slum and blight on an area basis within the designated downtown redevelopment area (Streetscape I Project loan payment).

Mr. Giannini made the motion to approve the resolution authorizing the FFY 2018 Community Development Block Grant funding application. The motion was seconded by Mr. Kolcharno and carried unanimously among the Council members present (5).

Mr. Hildebrand read a memorandum regarding Minority and Women Enterprise Goals and the Notice of City of Warren Section 504 Officer and Process for Grievance for the record.

ORDINANCE NO. 1910: AMENDING ZONING REGARDING FRONT YARD PARKING

Mr. Hildebrand stated that Chapter 470 (Zoning) of the Code of the City 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 Chapter 470 as it pertains to front yard parking.

Mr. Hildebrand noted that prior to enactment of any ordinance which would amend the Zoning Ordinance, it is required that the City of Warren Planning Commission and the Warren County Planning and Zoning Commission review the proposed regulations and provide any recommendations they may have. Each commission reviewed the ordinance and recommended that it be enacted.

Martin Hagstrom (see also Public Hearing above) addressed Council and restated his concerns regarding the proposed ordinance.

Mrs. Freenock provided a history of the proposed parking regulations and noted that such regulations were, at one time, contained within the Zoning Ordinance. Mr. Hildebrand noted that property owners may seek relief from the regulations via the Zoning Hearing Board.

Upon motion by Mr. Giannini and second by Mr. Gilbert, Council members present (5) voted unanimously to adopt the ordinance amending Chapter 470 (Zoning) of the Code of the City of Warren as it pertains to parking in front yards.

AGREEMENT: PENNSYLVANIA SENIOR HOUSING PARKING LEASE AND EASEMENT

Mrs. Freenock stated that Pennsylvania Senior Housing Associates, LP (Hudson Companies) is preparing to submit a Tax Credit Financing application to the Pennsylvania Housing Finance Agency in November. As part of the process, it must be evidenced that the project will “cash flow” on an annual basis. It is proposed by Pennsylvania Senior Housing Associates that an “up front” lump sum payment covering fifteen (15) years of parking lease payments be made to the City. As a result, monthly payments would not be required during the first fifteen (15) years; thus facilitating a positive cash flow. Therefore, it is necessary that an agreement be in place for the leasing of parking spaces within the Clark Street Parking Garage. Such spaces will be dedicated for tenants, employees, agents, and contractors of Pennsylvania Senior Housing in accordance with the agreement.

Upon motion by Mr. Giannini and second by Mr. Gilbert, the agreement between the City and Pennsylvania Senior Housing Associates, LP, for the leasing of forty parking spaces in the Clark Street Parking Garage was unanimously approved by the Council members present (5).

PENNSYLVANIA SENIOR HOUSING PAYMENT IN LIEU OF TAXES

Mrs. Freenock stated that, as indicated above, Pennsylvania Senior Housing Associates, LP, must demonstrate a projected positive cash flow for the first fifteen years of operation. During the first three years, the property will be subject to tax abatement under the existing LERTA (Local Economic Revitalization Tax Assistance) Program. However, during years four through fifteen, the payment of real estate taxes based upon the property assessment would not provide for a positive cash flow. Therefore, Pennsylvania Senior Housing Associates requested that the taxing authorities (School District, County, and City) consider a PILOT (Payment In Lieu Of Taxes) Program to commence upon the expiration of the LERTA. Under a PILOT, taxes would be calculated based on income and the projected amount would be conducive to a positive cash flow.

Without a PILOT, it would appear that the Pennsylvania Senior Housing Project would not qualify for tax credit financing and, therefore, would likely not move forward. This would result in the property remaining vacant and undeveloped while continuing to generate zero tax revenue for an indeterminate amount of time.

It was recommended that Council authorize a PILOT Program with Pennsylvania Senior Housing Associates so that the development of much-needed affordable senior housing and the resultant positive economic impact of such may move forward.

Following discussion, Mr. Giannini made the motion to move forward with drafting a Payment in Lieu of Taxes (PILOT) agreement with Pennsylvania Senior Housing Associates, LP. The motion was seconded by Mr. Gilbert and carried unanimously among the Council members present (5).

PENNSYLVANIA AVENUE WEST AND MARKET STREET INTERSECTION

Mr. Holtz stated that the Pennsylvania Department of Transportation (PennDOT) put forth two separate proposals for traffic control at the intersection of Pennsylvania Avenue West and Market Street.

Option 1 provides for the construction of a roundabout and installation of additional street lighting as required.

Option 2 provides for reconstruction of the intersection and installation of new signalization. Under this proposal, the key changes to the intersection would be:

1. A lane would be added for westbound traffic on Pennsylvania Avenue: the result would be dedicated lanes for right turns, straight, and left turns; and
2. There would be pre-emptive left turn signals for east and westbound traffic on Pennsylvania Avenue and for north and southbound traffic on Market Street; and
3. When activated by a pedestrian, there would be an all-way Stop signal (scramble) so that pedestrians may cross any leg of the intersection.

PennDOT requires that the City submit a resolution stating the option selected by City Council as being the most appropriate.

Mayor Cashman asked for discussion regarding the options and requested that the matter also be discussed by the City Planning Commission with its recommendation to be provided to Council prior to Council's regular meeting in November.

In response to Mayor Cashman's question, Chief Deppen explained that an "All-Stop" would be on demand and would be initiated only when a pedestrian pushed the crossing button. Under an All-Stop, vehicular traffic would be stopped in all directions thereby allowing pedestrians to cross any portion of the intersection. Chief Deppen stated that the next All-Stop could not occur until a minimum of one full traffic signal cycle was completed.

Chief Deppen stated that statistics indicate that this is not a high crash, high injury intersection and recommended that the traffic signalization option be selected.

Mr. Holtz stated his concerns regarding the increased maintenance and long-term expenses associated with the installation of a roundabout. The increase in maintenance costs would be attributable largely to snow removal which would include clearing the pedestrian refuge areas. Mr. Holtz stated that large trucks that do not stay entirely within the driving lane would cause significant damage to the concrete structure of the roundabout and that such damage ultimately leads to the need for replacement. He also expressed concern that in the event of a significant snowfall, plow drivers will have difficulty in clearing the roundabout without hitting the concrete structure with the plow. Mr. Holtz noted that construction of a roundabout would necessitate the relocation of sanitary sewer lines. Additionally, the City would bear a portion of the cost of installing new street lights that would be required in association with the roundabout. He stated that the existing traffic signal configuration results in minimal monthly electric utility charges and relatively low long-term maintenance costs. He asked that in making a decision, Council bear in mind that while the present project will be undertaken, and paid for in large part, by PennDOT, future maintenance and replacement costs will be borne by the City.

Resident Martin Hagstrom stated that he is not in favor of a roundabout.

Mr. Giannini questioned whether PennDOT will provide a rendering of the most recent proposals. Mrs. Freenock indicated that it is hoped that such will be available prior to the November Council meeting.

RESOLUTION NO. 3077: DISTRIBUTION OF STATE AID TO PENSION PLANS

Mrs. Risinger stated that as required by the provisions of Act 205, the City must distribute the Commonwealth’s 2018 Allocation of State Aid to Pension Plans among the City’s three plans. The allocation for 2018 is in the amount of \$445,016.91. Mrs. Risinger stated that the amount to be distributed to each plan is determined by applying the State-determined per unit value to the number of participants in each plan. It was recommended that the allocation be distributed as follows:

Firefighters Pension Plan	187,375.60
Police Pension Plan	131,162.92
Municipal Employee Pension Plan	126,478.39
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Total Allocation	\$445,016.91

Upon motion by Mr. Kolcharno and second by Mr. Giannini, Council members present (5) voted unanimously to approve the resolution authorizing the distribution of State Aid to Pension Plans as stated.

DEPARTMENT REPORTS – SEPTEMBER, 2018

The following reports were presented for Council’s review:

- Police Department
- Fire Department
- Department of Public Works
- Building Codes Department
- Community & Economic Development

APPROVED MINUTES OF BOARDS AND COMMISSIONS

Council acknowledged receipt of the following approved minutes:

Blighted Property Review Committee	– July 26, 2018	Regular Meeting
Planning Commission	– August 15, 2018	Regular Meeting
Redevelopment Authority	– July 18, 2018	Regular Meeting
Street Landscape Committee	– August 28, 2018	Regular Meeting

ADJOURNMENT

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