

**WARREN CITY COUNCIL  
REGULAR MEETING  
OCTOBER 20, 2014 – 7:30 PM**

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**OPENING OF MEETING**

Mayor Cashman presided over the October 20, 2014 regular meeting of Warren City Council in Council Chambers of the Municipal Building and opened the meeting with the Pledge of Allegiance.

**ROLL CALL**

Members present and responding to roll call were: Mayor Maurice Cashman, Dr. Howard Ferguson, Samuel Harvey, Richard Kolcharno, John Lewis, James A. Zavinski, Sr., and Robin Thomas, Junior Council Member. Gregory Fraser was absent. Mrs. Freenock, Mr. Hildebrand, Mr. Holtz, Mrs. Leary, Chief Pascuzzi, Mrs. Risinger, Mr. Sceiford, Ms. Stapleford, and Chief Zydonik of City staff were also in attendance.

Mayor Cashman expressed Council's condolences and requested a moment of silence in memory of Mrs. Jill Fraser, wife of Councilman Fraser.

**APPROVAL OF MINUTES**

Upon motion by Mr. Zavinski and second by Mr. Lewis, the minutes of the September 15, 2014 Regular Meeting were unanimously approved by the members present.

Upon motion by Mr. Zavinski and second by Mr. Lewis, the minutes of the September 29, 2014 Special Meeting were unanimously approved by the members present.

Notes from the Mayor's September 23, 2014 Town Hall Meeting were presented for Council's review.

**RECOGNITION OF VISITORS**

Mayor Cashman welcomed all visitors. Present were:

- Marcy O'Brien: Struthers Library Theatre Agreement
- Dan Grolemond: Leadership Warren Mural Project
- Scott Curren: Leadership Warren Mural Project
- Bill Thompson: Leadership Warren Mural Project
- Donald Nelson: Planning Commission Chairman
- Pauline Steinmeyer: Resident, Prospect Street
- Keith Kirsch: Crary Art Gallery
- Dan Ristau: Main Street regarding the Farmers' Market
- Josh Cotton: Times Observer reporter
- Members of Boy Scout Troop 13 and adult volunteers were present as part of Troop members' efforts to attain a merit badge:

Scouts

Jacob Bullock  
Nick Zock  
Cole Chementi  
Cade Johnson  
James Lawson  
Stephan Ashbaugh  
Drake Gens  
Isaac Peck  
Jonah Peck  
Hunter Smith

Volunteers

Nancy Bullock  
Brenda Zock  
Sandy Wachter  
Troy Johnson  
John Lawson  
Ed Gens  
Dave Dorn  
George Peck  
Dan Glotz

Dan Ristau addressed Council and asked for its consideration in matching the City Health Inspection Fee for Farmers' Market vendors with that charged by the State Department of Agriculture for the same type of inspection. Mr. Ristau stated that, while he is not certain of the State fee, he believes it to be lower than the City's fee and expressed his concern that the Farmers' Market may choose to move to a location outside of the City of Warren if the fees are not matched. Mr. Ristau stated that he was speaking on behalf of Main Street and further stated that the Market's location on Liberty Street in 2014 proved to be beneficial to businesses in that area. Mr. Ristau pressed for Council action this date so that he might advise Market vendors prior to the last Market day on October 25.

Mrs. Freenock explained that the inspections performed by the City Health Inspector and required of the Market vendors are mandated by the State and that the fees charged are to offset the City's expenses relating to the inspection. She further stated that the fees are revenue-neutral and the City may not charge an amount in excess of its costs.

Ms. Stapleford opined that it would not be reasonable for Council to take immediate action, particularly without confirmation of the fees charged by the State Department of Agriculture. She requested that she and City Staff be afforded time to analyze the possible ramifications of the request. Mayor Cashman indicated that the request will be taken under consideration.

### **CORRESPONDENCE**

Council members acknowledged receipt of correspondence from Mrs. Karen Davis requesting Council's consideration of her appointment as the 2015 City Representative to the Warren-Forest Counties Economic Opportunity Council (EOC) Board of Directors.

Upon motion by Dr. Ferguson and second by Mr. Lewis, Council members present voted unanimously to appoint Karen Davis as the 2015 City Representative to the Warren-Forest Counties Economic Opportunity Council.

### **LEADERSHIP WARREN PROJECT: JETS BUILDING MURAL**

(See also 1/21/2013 and 8/19/2013 Council minutes)

In August of 2013, members of the Leadership Warren County (LWC) Project Team presented an artist's rendering of the proposed mural design which was approved by City Council. However, since that time, it has come to light that the artist's design included a portion for which there is no corresponding wall face on the building. Therefore, it was necessary to modify the design. The modified design was presented at this meeting by Dan Grolemond and Scott Curren on behalf of the LWC Project Team. It was noted that the mural will not be painted on the building but will be on architectural mesh which will be installed on the building. It was stated that the mesh has a guaranteed life of eight to ten years and further stated that the Project Team has budgeted for removal of the mesh when its condition warrants.

Mr. Lewis expressed concern that the words "Welcome to Warren" span the "Four Flags" as depicted in the mural rendering. Mr. Grolemond and Mr. Curren each stated that the only options available to remedy this would be to "photoshop" clouds which would cover the flags and wording or to consign the artist to redesign that portion of the design, which would be at considerable expense.

Mr. Harvey made the motion to approve the mural design as presented. The motion was seconded by Mr. Zavinski and carried with five votes in the affirmative and one nay vote cast by Mr. Lewis.

**AGREEMENT: STRUTHERS PLAZA**

(See also 7/21/2014 minutes)

Marcy O'Brien, Executive Director of the Struthers Library Theatre, addressed Council regarding the proposed Struthers Plaza which is to incorporate an informational kiosk, expanded Theatre marquee, landscaping, outdoor seating, and an exterior elevator. Ms. O'Brien indicated that the Theatre is preparing to launch its fundraising efforts to finance the project. Therefore, it was requested that Council consider entering into an agreement regarding the various facets of the project in order to affirm the responsibilities of each party and to also affirm the validity of the project to potential donors.

Mrs. Freenock noted that Mr. Fraser previously conveyed his suggestions for language modifications which would provide clarity and not cause substantive changes to the agreement.

Upon motion by Dr. Ferguson and second by Mr. Harvey, the Council members present voted unanimously to approve the agreement regarding the Struthers Plaza, with Mr. Fraser's suggestions to be incorporated.

**RESOLUTION NO. 2961: 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 2014 Allocation of State Aid to Pension Plans among the City's three plans. The allocation for 2014 is in the amount of \$356,286.56. Accordingly, it was recommended that the allocation be distributed as stated in the shaded column:

<b>PLAN</b>	<b>DISTRIBUTION</b>	<b>2014 MMO</b>	<b>CITY'S REMAINING OBLIGATION</b>
Firefighters Pension	131,671.00	255,007.00	123,336.00
Police Pension	123,926.00	221,701.00	97,775.00
Municipal Employee Pension	100,689.56	198,243.00	97,553.44
Total Allocation	\$356,286.56	\$674,951.00	\$318,664.44

Upon motion by Mr. Harvey and second by Mr. Lewis, Council members present voted unanimously to approve the resolution providing for the distribution of the 2014 General Municipal Pension System State Aid Allocation as stated above.

**AGREEMENT: ENGINEERING SERVICES FOR RACP-FUNDED PROJECT**

Mr. Holtz noted that at the September 15 meeting, City staff requested and received Council's input regarding the scope of the project that will utilize funding from the City and from a Redevelopment Assistance Capital Project (RACP) grant. At that time, Hill Engineering, Inc., the City's Engineer, was requested to finalize a professional services agreement that would provide the necessary design and construction administration services to allow the project to move forward.

The requested Professional Services Agreement between the City and Hill Engineering, Inc. was prepared and provides for engineering services for Liberty Street, the Midtown Parking Lot, and Municipal Building and Fire Hall improvements under the project. It was noted that Hill Engineering,

Inc. will subcontract design and construction administration work regarding the Municipal Building and Fire Hall portions of the project to R. W. Larson Associates, P.C.

Mr. Harvey made the motion to approve the Professional Services Agreement with Hill Engineering, Inc. The motion was seconded by Dr. Ferguson and carried unanimously among the members present.

**Proposed Amendments: Zoning Ordinance**

Mr. Hildebrand stated that in accord with Council's direction at the September 15, 2014 regular meeting the Planning Commission reviewed the definition of a "Marquee" and recommended that it be stated as "Any sign attached to, or adjacent to, the entrance of a building for the purpose of identifying a venue for the fine arts, performing arts, or a movie theater or similar place of entertainment."

The Commission also voted to recommend the creation of "Museums and Galleries" categories within the sign regulations for the R-2, R-3, C-1 and C-2 Zoning Districts. The motion recommended that signage for Museums and Galleries be permitted as follows: "Maximum of one wall sign, up to fifty square feet in size, illuminated indirectly by a hooded light source or backlit."

The following definitions were suggested:

Gallery:

- A building or hall in which artistic work is displayed
- A collection of artistic works

Museum:

- An institution for the acquisition, preservation, study, and exhibition of works of artistic, historical, or scientific value

Mrs. Freenock noted that Councilman Fraser had conveyed his suggestion that the word "solely" be inserted in each definition.

As the City of Warren Zoning Ordinance does not presently contain regulations specific to museums and galleries, it would be necessary to amend the Zoning Ordinance Public/Semi-Public uses definition to include such use. The Planning Commission proposed that the definition be amended to read as follows with the added language identified in ***bold italics***:

Public/Semi-Public Use: Uses of a nature serving the general or a specific public. Such uses would include City buildings, libraries, schools, churches, parks, hospitals, nursing homes, ***museums and galleries***.

Mr. Hildebrand stated that Public/Semi-Public Uses are permitted in R-3, C-1, and C-2 Zoning Districts and are permitted by special exception in R-2 Zoning Districts.

Don Nelson, Planning Commission Chairman, addressed Council and provided members with information relative to the manner in which the Commission developed its recommendations.

Mr. Lewis made the motion to refer the proposed Zoning Ordinance amendments, including Mr. Fraser's suggested addition, to the Planning Commission for its final review and recommendation and to set a Public Hearing regarding the amendments for 7:30 PM on November 17, 2014 immediately prior to the regular Council meeting. The motion was seconded by Mr. Zavinski and carried unanimously among the Council members present.

**2015 BUDGET: WORK SESSIONS AND PUBLIC HEARING DATE**

Mrs. Freenock noted that Work Sessions regarding the 2015 Municipal Budget have been set for November 3 and 4 at 7:30 PM in Council Chambers.

Mr. Lewis made the motion to set the required 2015 Municipal Budget Public Hearing for 5:30 PM on December 3, 2014. The motion was seconded by Dr. Ferguson and carried unanimously.

**DEPARTMENT REPORTS – SEPTEMBER, 2014**

The following reports were presented for Council's review:

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

**APPROVED MINUTES OF BOARDS AND COMMISSIONS**

Council acknowledged receipt of the following approved minutes:

Parks & Recreation Commission	– August 5 ,2014	Regular Meeting
Planning Commission	– August 20, 2014	Regular Meeting
Street Landscape Committee	– August 26, 2014	Regular Meeting
Special Events Committee	–	Event Status Report

**MISCELLANEOUS**

Dr. Ferguson requested that the Farmers' Market Master be contacted to advise him that the City is reviewing Mr. Ristau's request regarding Market vendor inspection fees. In response to Mr. Harvey's question as to whether merchants offering similar products are charged the same as Market vendors, Mrs. Freenock indicated that they are and cited examples of stores which offer potentially hazardous foods and are subject to a health inspection. Mrs. Freenock further stated that City Staff has reviewed, and continues to research, the option of turning health inspections over to the State Department of Agriculture.

**ADJOURNMENT**

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