

**WARREN CITY COUNCIL
REGULAR MEETING
NOVEMBER 19, 2012 – 7:30 PM**

OPENING OF MEETING

Mayor Mark A. Phillips presided over the November 19, 2012 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 Phillips, Mr. Cashman, Dr. Ferguson, Mr. Harvey, Mr. Lewis, Mr. Park, Mr. Zavinski, and Cody McGraw, Junior Council Member. Mrs. Freenock, Mr. Gustafson, Mr. Hildebrand, Mr. Holtz, Mrs. Leary, Chief Pascuzzi, Mrs. Risinger, Mr. Sceiford, Ms. Stapleford, and Chief Zydonik of City staff were also in attendance.

JUNIOR COUNCIL MEMBER OATH OF OFFICE – CODY MCGRAW

Mayor Phillips introduced Cody McGraw and administered the Junior Council Member Oath of Office. Mr. McGraw will serve during the 2012-2013 academic year.

RECOGNITION OF VISITORS

Mayor Phillips welcomed all visitors. Present were:

- John Wortman: In support of Junior Council Member Cody McGraw
- Jacob Park: In support of Junior Council Member Cody McGraw
- John Aldrich: Transit Authority of Warren County request for funding
- Tom Hessley: Transit Authority of Warren County request for funding
- Judy Brown: Transit Authority of Warren County request for funding
- Gene Sanden: Transit Authority of Warren County request for funding
- Cindy Jarzab: Transit Authority of Warren County request for funding
- Jamie Steffan: Transit Authority of Warren County request for funding
- Jeff Clark: Boonies International Film Festival Special Event Request
- John Papalia, Jr.: WCCBI/COT Special Event Request
- Sgt. Brandon Deppen: Explorer's Post 312 Special Event Request
- Joan Hamel: Hamel Minor Subdivision, 510 – 516 ½ Water Street
- Lenny Gray: Observing
- Susan Shafer: 2013 Municipal Budget
- Dave Johnson: 2013 Municipal Budget
- John Nemcovsky: 2013 Municipal Budget
- Jeff Scutella: 2013 Municipal Budget
- Andy Moore: 2013 Municipal Budget
- William Moore: 2013 Municipal Budget
- Sue Himes: 2013 Municipal Budget
- Brent Ordiway: 2013 Municipal Budget
- Dan Ristau: 2013 Municipal Budget
- Eleanor Shanshala: 2013 Municipal Budget
- Barbara Lucia: 2013 Municipal Budget
- Dan Lucia: 2013 Municipal Budget
- Dan Dart: 2013 Municipal Budget
- Angie Dart: 2013 Municipal Budget
- Gene Burns: 2013 Municipal Budget
- Brian Ferry: Times Observer Reporter

APPROVAL OF MINUTES

Upon motion by Mr. Zavinski and second by Mr. Cashman, the minutes of the October 15, 2012 Regular Meeting were unanimously approved.

CORRESPONDENCE

Council members acknowledged receipt of correspondence from Karen Davis requesting Council's consideration of her appointment as the City Designee on the Warren/Forest Counties Economic Opportunity Council Board of Directors for 2013.

Upon motion by Dr. Ferguson and second by Mr. Harvey, Council members voted unanimously to appoint Karen Davis as the City Designee on the Warren/Forest Counties Economic Opportunity Council Board of Directors for 2013.

DEPARTMENT REPORTS – October, 2012

The following reports were presented to Council:

- Police Department – Presented by Chief Zydonik
- Fire Department – Presented by Chief Pascuzzi
- Department of Public Works – Presented by Michael Holtz
- Building Codes Department – Presented by Alan Gustafson

REQUESTS FOR USE OF CITY PROPERTY

The following requests were presented and acted upon as noted:

<u>Organization</u>	<u>Event</u>	<u>Property/Street(s)</u>	<u>Date/Time</u>
a. WCCBI	Pond Hockey	Betts Park: Eastern portion	Fri. 1/04/13 to Sun. 1/06/13 <i>OR</i> Fri. 1/18/13 to Sun. 1/20/13 <i>OR</i> Fri. 1/25/13 to Sun. 1/27/13
The event is to be held on one weekend only dependent on favorable weather. Motion to approve made by Mr. Lewis, second by Mr. Zavinski, approved unanimously.			
b. Law Enforcement Explorer Post 312	2013 Fourth of July Firecracker Challenge Race	Betts Park parking area, DeFrees Pavilion, City-controlled streets	Sat. 7/06/13 8:00 AM to Noon
Motion to approve made by Mr. Cashman, second by Dr. Ferguson, approved unanimously.			
c. The Boonies, Inc.	The Boonies International Film Festival 2013	Liberty Street: Second to Third Avenue	Wed. 8/14/13 to Sat. 8/17/13
Following discussion of Council's concerns, Mr. Lewis suggested that Jeff Clark, Boonies, Inc. representative, again present his request following Council's consideration of a new Special Events ordinance.			

RESOLUTION NO. 2902: HAMEL MINOR SUBDIVISION, 510-516 ½ WATER ST., WN-576-2526

Mr. Hildebrand stated that Joan Hamel, applicant, filed a minor subdivision application for WN-576-2526 located at 510-516 ½ Water Street. The subdivision would create Lot #1 and Lot #2 per the provided plat. The City of Warren Planning Commission at their October meeting recommended approval of this subdivision.

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

AGREEMENTS: BUILDING CODES INSPECTION – MUNICIPAL SERVICES

Mr. Gustafson stated that the City currently has inter-governmental agreements with nine surrounding municipalities for the provision of building code permit and inspection services pursuant to the Pennsylvania Uniform Construction Code (UCC). City taxpayers benefit from the provision of these services to other municipalities as they generate additional revenue. Additionally, in prior budget years the City obtained grant funding for the purchase of a vehicle and computer equipment that otherwise would not have been available as the City alone would not qualify for such assistance. When recently performing a comprehensive review of the UCC, it became apparent that changes to the existing municipal agreements were necessary. These changes include clarification regarding responsibility for legal fees in the event of an appeal and the naming of a Building Code Official (BCO).

Upon motion by Mr. Park and second by Mr. Harvey, the agreements with nine municipalities (Brokenstraw Township, Clarendon Borough, Conewango Township, Glade Township, Mead Township, Pine Grove Township, Pleasant Township, Sheffield Township, and the Borough of Youngsville) were unanimously approved.

AGREEMENT: COMMONWEALTH CODE INSPECTION SERVICES

Mr. Gustafson stated that the Building Code Department currently does not have the ability to perform commercial building plan reviews as required by the Pennsylvania Uniform Construction Code (UCC). Until such time as the City has the ability to perform such plan reviews in-house, it is necessary to contract these services to a third-party inspection service. Commonwealth Code Inspection Services was selected to provide these services and they have agreed to perform such plan reviews utilizing the City's existing plan review fee schedule.

Upon motion by Mr. Cashman and second by Mr. Lewis, Council members voted unanimously to approve the agreement with Commonwealth Code Inspection Services for the performance of commercial building plan reviews.

PUBLIC HEARING DATE: PROPOSED BUILDING CODE ORDINANCE

Mr. Gustafson stated that to remain compliant with the PA Uniform Construction Code (UCC), it is necessary to enact a new City Ordinance adopting the PA Uniform Construction Code. The new ordinance would update the existing ordinance and would more accurately define activities which require a building permit and for which the City's proposed minimum requirements are in excess of the minimum requirements of the UCC.

In accord with the City's Home Rule Charter, it is required that notice of any proposed ordinance, or amendment thereto, pertaining to building codes must be published once per week for three weeks in a newspaper of general circulation prior to its adoption.

Upon motion by Mr. Cashman and second by Dr. Ferguson, Council members voted unanimously to set the public hearing date for Monday, December 17, 2012 at 7:30 PM.

ORDINANCE NO. 1818: COLLECTION OF RECYLCING FEES

Mr. Holtz stated that Pennsylvania Municipal Services was recently retained as the collector for Wastewater Charges and Residential Recycling Collection Fees. To provide for the appropriate collection of Recycling Collection Fees, it is necessary to amend the City's Recycling Ordinance.

Mr. Cashman made the motion to adopt the ordinance for the Collection of Recycling Fees. The motion was seconded by Mr. Zavinski and carried with six votes in the affirmative and one negative vote cast by Mr. Park.

RESOLUTION NO. 2903: RESIDENTIAL CURBSIDE RECYCLING PROGRAM

Mr. Holtz stated that since enactment of the City's Recycling Ordinance, technologies and markets for the recycling of various materials have changed. Therefore, it is necessary for the City to amend the items to be collected.

Upon motion by Mr. Park and second by Dr. Ferguson, Council voted unanimously to adopt the resolution establishing materials to be collected in the Residential Curbside Recycling Program.

PUBLIC HEARING: 2013 MUNICIPAL BUDGET

Upon motion by Mr. Lewis and second by Mr. Park, Council members voted unanimously to establish Thursday, December 6, 2012, at 5:00 PM as the date and time of the Public Hearing regarding the 2013 Municipal Budget. (See additional motion made following the recess)

APPROVED MINUTES OF BOARDS AND COMMISSIONS

Council acknowledged receipt of the following approved minutes:

Planning Commission – September 19, 2012 Regular Meeting

SMALL CLAIMS COURT FILING

Mr. Lewis made the motion to direct the City Manager and Solicitor to investigate and pursue the filing, through Small Claims Court, of a claim against Tim (Timothy) King for payment of amounts promised by him to the City of Warren Convention Center Authority (and now assigned to the City of Warren). The motion was seconded by Mr. Park and carried unanimously.

Mrs. Freenock noted her concern regarding whether this court would have jurisdiction as Mr. King is not a resident of Warren County and has no known assets located within Warren County.

RECESS – Mayor Phillips called for a recess during which Council publicly discussed the 2013 Municipal Budget.

RECONVENE – The regular meeting was reconvened at 9:00 PM.

Mrs. Freenock stated that it is her objective to establish a committee composed of City staff members, Council members, and citizens for the purpose of developing a long-range strategic plan for the City.

MOTION: Mr. Harvey made the motion to advertise the City's intent to adopt a five mill Real Estate Tax increase and a zero Earned Income Tax increase for 2013. The motion was seconded by Mr. Park and failed with two votes in the affirmative and five negative votes being cast by Mr. Lewis, Dr. Ferguson, Mr. Zavinski, Mr. Cashman, and Mayor Phillips.

MOTION: Mr. Lewis made the motion to advertise the City's intent to adopt a maximum five mill Real Estate Tax increase and three-tenths percent Earned Income Tax increase to be adjusted accordingly. 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.

MOTION: Mr. Harvey made the motion to advertise the City's intent to adopt a maximum five mill Real Estate Tax increase and a one-tenth percent Earned Income Tax increase. The motion was seconded by Mr. Park and failed with three votes in the affirmative and four negative votes being cast by Mr. Lewis, Dr. Ferguson, Mr. Zavinski, and Mr. Cashman.

MOTION: Mr. Cashman made the motion to change the 2013 Municipal Budget Public Hearing date to Monday, December 10, 2012 at 5:00 PM. The motion was seconded by Mr. Lewis and carried unanimously.

MOTION: Mr. Lewis made the motion to set a Special Council Meeting for Monday, December 10, 2012, immediately following the 2013 Municipal Budget Public Hearing for discussion of the 2013 budget. The motion was seconded by Mr. Cashman and carried unanimously.

Mr. Lewis and Mr. Harvey thanked the City staff for their time and work in developing the proposed 2013 Municipal Budget.

Mrs. Freenock thanked the citizens in attendance for their time and insight.

ADJOURNMENT

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