

**WARREN CITY COUNCIL
REGULAR MEETING
NOVEMBER 21, 2016 – 7:30 PM**

OPENING OF REGULAR MEETING

Mayor Cashman presided over the November 21, 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 on November 7, 2016 regarding real property matters.

ROLL CALL

Members present and responding to roll call were: Mayor Maurice Cashman, Elissa Davis, Gregory Fraser, Philip Gilbert, Richard Kolcharno, John Lewis, James A. Zavinski, Sr., and Josh Chimenti, Junior Council Member. Members of City Staff present were Mrs. Freenock, Mr. Hildebrand, Mr. Holtz, Mrs. Leary, Ms. Nau, Chief Pascuzzi, Mrs. Risinger, Mr. Sceiford, Chief Zydonik, and Ms. Stapleford as well as Police Sgt. B. Deppen.

APPROVAL OF MINUTES

Upon motion by Mr. Kolcharno and second by Mr. Fraser, the minutes of the October 17, 2016 Regular Meeting were unanimously approved.

Upon motion by Mr. Kolcharno and second by Mr. Fraser, the minutes of the October 24, 2016 Budget Work Session were unanimously approved.

Upon motion by Mr. Kolcharno and second by Mr. Fraser, the minutes of the November 7, 2016 Budget Work Session were unanimously approved.

RECOGNITION OF VISITORS

Mayor Cashman welcomed all visitors. Present were:

- Nickolas Giambrore: School project
- Derek Nowacki: School project
- Rod Hoffman: School project
- Baylie Hoffman: School project
- Sean Domville: Scouting project
- Mike Crone: Scouting project
- Andy Moore: Scouting project
- Michael Moore: Scouting project
- Dave Sherman (Warren County Visitor's Bureau): Observing
- Barbara Lucia: Citizen observing
- Darrell Simons: Concerns regarding seasonal alternate-side parking (arrived during the meeting)
- Josh Cotton: Times Observer Reporter

CORRESPONDENCE

There was no correspondence to come before Council.

ORDINANCE NO. 1881: TOBACCO USE IN CITY-OWNED PAVILIONS

Ms. Nau stated that Council previously adopted Ordinance No. 1837 which prohibits the use of tobacco products in certain park areas when children are present. The ordinance enumerates instances when tobacco use is prohibited; however, the ordinance does not contain language to prohibit the use of tobacco products in City-owned pavilions.

Certain pavilions are utilized during the City's Summer Playground Program, particularly during the free lunch program. The pavilions are also utilized by the general public and, as currently written, the ordinance does not provide a means to prohibit those individuals from using tobacco products in the presence of children.

This matter was reviewed by the City Parks and Recreation Commission and it was the Commission's recommendation that the ordinance be amended to include language relative to the use of tobacco products in City-owned pavilions. City Staff recommended that Ordinance No. 1837 be repealed in its entirety and a new ordinance which restates the provisions of Ordinance No. 1837 and includes the recommended language be adopted.

Upon motion by Mr. Kolcharno and second by Mr. Lewis, the ordinance repealing Ordinance No. 1837 and restating its provisions with the addition of language pertaining to tobacco use in City-owned pavilions was unanimously approved by Council.

REVIEW OF PROPOSED 2017 MUNICIPAL BUDGET

Mrs. Freenock provided an overview of the Manager's 2017 Budget Message and noted adjustments made to the proposed budget following Council budget work sessions.

Mrs. Freenock stated that City policy requires that a four percent (4%) reserve be maintained in the General Fund balance. She further stated that she favors maintaining a higher fund balance as the four percent reserve would only allow the City to maintain operations for a minimal period of time. She noted that the possibility of utilizing a Tax Anticipation Note (TAN) was previously discussed. She further noted that procuring a TAN is a four to six week process and those funds must be repaid within the same year and, therefore, a TAN does not increase the funds available within the fiscal year.

Mr. Lewis inquired as to whether the City might be able to implement a plan whereby taxpayers would be able to begin making payments in January which would then be applied to their real estate tax bill when issued. He stated that such a plan would allow the City to realize revenues throughout the year. Mrs. Risinger, City Finance Officer, stated that current regulations do not provide the City with the authority to implement such a plan.

Mr. Lewis made the motion to consider a tax cut of either 1/10 of one percent in Earned Income Tax (from 2.2% to 2.1%) or 0.8 mills in Real Estate Tax (from 19.8 to 19.0 mills). The motion failed due to lack of a second.

Mrs. Freenock suggested that, to the extent that such are realized, excess funds be utilized for projects such as street improvements, repair/replacement of City-owned sidewalks, and Pridewalk.

2017 MUNICIPAL BUDGET PUBLIC HEARING DATE

Upon motion by Miss Davis and second by Mr. Fraser, Council members voted unanimously to set the date and time for a Public Hearing regarding the Proposed 2017 Municipal Budget as December 12, 2016, at 5:30 PM in Council Chambers.

ELECTED OFFICIALS' SALARIES PUBLIC HEARING

Mrs. Freenock noted that at the July 20, 2015 regular meeting of City Council, it was reported that outgoing Council members Dr. Howard Ferguson and Sam Harvey conducted a study of the salaries of the elected officials of the City of Warren and those of other Pennsylvania Third Class Cities. Dr. Ferguson and Mr. Harvey recommended that the annual salary for the Mayor of the City of Warren be increased to \$2500 so as to be equal to that required to be paid in non-Home Rule Third Class City municipalities and that Council members' salaries remain unchanged at \$1200 per annum. At that time, Council members approved the recommended salaries with four votes in the affirmative, one abstention by Mayor Cashman, and two members absent.

It was further noted that Section 410 of the Home Rule Charter states that any change in the compensation paid to an incumbent elected officer shall not become applicable until the commencement of a new term of office. Therefore, the earliest that any salary increase may become effective is January 2, 2018, on which date the next Organizational Meeting of Council will be held. In addition, Section 705 of the Home Rule Charter requires that a public hearing be held prior to enactment of any ordinance setting the salaries of elected officials. Mrs. Freenock indicated that a proposed ordinance regarding the salaries of elected officials will be placed on the agenda for the December 19, 2016 regular meeting of City Council.

Upon motion by Mr. Lewis and second by Mr. Kolcharno, Council members voted unanimously to set the date and time for a Public Hearing regarding Elected Officials' Salaries for December 12, 2016, immediately following the 2017 Proposed Budget Public Hearing.

Mayor Cashman noted his observation that Council members have spent an increasing amount of time attending public meetings and events and further noted the amount of time required of members to prepare for Council meetings. Therefore, he asked that consideration be given to also increasing the salary for Council members.

RESOLUTION NO. 3017: AFFIRMING OWNERSHIP OF LIBERTY STREET

Mr. Holtz stated that to meet the requirements of the Special Condition, SC-1: Site Control, for the Redevelopment Assistance Capital Program (RACP) grant, the City must affirm its ownership of the portion of Liberty Street located between Second and Third Avenues (RACP Project area). Liberty Street is included in the original twenty-eight blocks that were laid out in 1801 as part of the original plat of the City and, by virtue thereof, the City owns the street.

Upon motion by Mr. Fraser and second by Mr. Gilbert, Council members voted unanimously to approve the resolution affirming the City's ownership of Liberty Street.

ORDINANCE NO's. 1882, 1883, 1884, AND 1885: AMENDING THE HOME RULE CHARTER

Mrs. Freenock reported that on this date the City received the Certified Election Results from the Warren County Board of Election pertaining to the four (4) referendum questions placed on the ballot for City of Warren voters at the November 8 General Election. Each of the referendum questions was approved by a majority vote. Therefore, Council may now enact ordinances which reflect the City of Warren Home Rule Charter amendments approved by the electorate of the City of Warren.

Ordinance No. 1882: Upon motion by Mr. Zavinski and second by Miss Davis, Council members voted unanimously to approve the ordinance amending Section 604 of the Home Rule Charter pertaining to the number of Council members required to take official action.

Ordinance No. 1883: Upon motion by Mr. Zavinski and second by Miss Davis, Council members voted unanimously to approve the ordinance amending Section 701 of the Home Rule Charter pertaining to the number of favorable votes required for Council to take final action on the adoption of ordinances.

Ordinance No. 1884: Upon motion by Mr. Zavinski and second by Miss Davis, Council members voted unanimously to approve the ordinance amending Section 702(1) of the Home Rule Charter pertaining to the publication of adopted ordinances when the ordinance imposes penalties.

Ordinance No. 1885: Upon motion by Mr. Zavinski and second by Miss Davis, Council members voted unanimously to approve the ordinance amending Section 1012 of the Home Rule Charter by establishing the last day of the sixth month as the date by which the financial report for the prior fiscal year must be adopted.

DEPARTMENT REPORTS – OCTOBER, 2016

The following reports were presented for Council's review:

Police Department
Fire Department
Department of Public Works
Building Codes Department

RESIDENT CONCERNS: SEASONAL ALTERNATE-SIDE PARKING ON ONONDAGA AVENUE

Darrell Simons, of 212 Onondaga Avenue, arrived during the meeting. Mr. Simons indicated that he recently moved to this address and questioned the necessity of having alternate-side parking in effect for twenty-four hours each day. He indicated that he works second shift and, due to the timing for moving vehicles from one side of the street to the other, he must wake up and move his vehicle. Mr. Simons cited information from other communities which allow for a broader timeframe in which vehicles are to be moved and asked that Council give consideration to such a plan for seasonal alternate-side parking. Mr. Lewis suggested that the hours from 8:00 AM to noon be a "grace" period for enforcement of alternate parking; however, Chief Zydonik noted that this may create enforcement issues. Mayor Cashman asked that City Staff review this matter.

APPROVED MINUTES OF BOARDS AND COMMISSIONS

Council acknowledged receipt of the following approved minutes:

Planning Commission	–	October 19, 2016	Regular Meeting
Street Landscape Committee	–	September 27, 2016	Regular Meeting

ADJOURNMENT

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