

**WARREN CITY COUNCIL  
REGULAR MEETING  
DECEMBER 17, 2012 – 7:30 PM**

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**OPENING OF MEETING**

Mayor Mark A. Phillips presided over the December 17, 2012 regular meeting of Warren City Council in Council Chambers of the Municipal Building and opened the meeting with the Pledge of Allegiance followed by a moment of silence in memory of those slain at the Sandy Hook Elementary School in Newtown, CT.

Mayor Phillips announced that Council met in executive session immediately prior to this meeting in regard to matters of litigation (Allegheny Center for the Arts and a citizen suit regarding a chimney fire), personnel matters, and real estate matters.

**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 Junior Council Member Cody McGraw. 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.

**RECOGNITION OF VISITORS**

Mayor Phillips welcomed all visitors. Present were:

- John Wagner: Minor Addition Subdivision Request
- Wally Blythe: Warren County Historical Society regarding the 2013 City Budget
- Michelle Gray: Warren County Historical Society regarding the 2013 City Budget
- John McQuillan: Warren County YMCA Special Event Request
- Amanda Kosterman: City of Warren Police Officer regarding the 2013 City Budget
- Ken Hinton: City of Warren Police Officer regarding the 2013 City Budget
- Andy Moore: City of Warren Firefighter regarding the 2013 City Budget
- Jacob Perryman: Times Observer reporter

**APPROVAL OF MINUTES**

Upon motion by Mr. Lewis and second by Mr. Zavinski, the minutes of the November 19, 2012 Regular Meeting were unanimously approved.

**CORRESPONDENCE**

Council members acknowledged receipt of the following correspondence:

- Jim and Frankie Zavinski: Announcing their "retirement" from the Music in the Park Program. Mr. Zavinski noted that in 14 years he and Mrs. Zavinski have missed only two performances. He further stated that they will work with a new coordinator(s) to schedule performers for the coming season. Dr. Ferguson thanked the Zavinski's for their service to the program and all present joined in a round of applause.
- Michelle Gray, Warren County Historical Society Managing Director: Requesting Council's reconsideration of the decision to remove an allocation to the Society from the 2013 Municipal Budget.

Mrs. Freenock stated that the PA Third Class City Code allows donations, not to exceed \$1000, to be made to historical societies. She further noted that the Society is a good steward of items and records of historical significance and that it provides a valuable service to the community's citizens.

In response to questions from Council, Ms. Gray stated that the Society maintains 40,000 records and has in excess of 3000 artifacts on display. She further stated that contributions ranging from \$50 to \$250 are received from townships and that a \$1 donation is requested of visitors to the Society.

Dr. Ferguson made the motion to reinstate a \$1000 contribution to the Warren County Historical Society in the 2013 budget with the caveat that 2013 may be the final year that a contribution is made. The motion was seconded by Mr. Lewis and carried with six votes in the affirmative and one negative vote cast by Mr. Harvey.

## **DEPARTMENT REPORTS – NOVEMBER, 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

## **RESOLUTION NO. 2904: WAGNER ADDITION MINOR SUBDIVISION, 57 HEMLOCK STREET**

Mr. Hildebrand stated that John Wagner, applicant, filed a minor subdivision application for WN-823-9540 located at 57 Hemlock Street. The subdivision would annex 3,134 sq. ft. (Lot #2) to the Wagner property per the provided plat.

Mr. Cashman made the motion to approve the Wagner Addition Minor Subdivision for 57 Hemlock Street, WN-823-9540. The motion was seconded by Mr. Lewis and carried unanimously.

## **ORDINANCE NO. 1819: ESTABLISHING A NO PARKING ZONE ON WATSON PLACE**

Chief Zydonik stated that at the October 15 regular Council meeting, correspondence from the First United Methodist Church was presented. The Church requested parking restrictions on the portion of Watson Place (a one-way alley) which bisects the Church property. The City's written response to the request was also provided to Council.

In accord with a request made by the City, the Church had a professional survey performed in order to ascertain the Church's property lines. Upon review of the survey and a physical inspection of the area, City staff determined that the most viable option would be to prohibit parking on both sides of the portion of Watson Place which bisects the Church property.

Mr. Lewis made the motion to approve the ordinance establishing a "No Parking" area on Watson Place. The motion was seconded by Mr. Zavinski and carried unanimously.

## **PUBLIC HEARING DATE: PROPOSED BUILDING CODE ORDINANCE**

Mr. Gustafson noted that at the November 17 regular meeting, Council established a Public Hearing which was to have been held this evening. The purpose of this hearing was to have been to accept public comment regarding a proposed City ordinance which would update the current ordinance adopting the PA Uniform Construction Code and 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 and this requirement was met.

In addition, notice of the Public Hearing and publication of the proposed amendment must appear on the Department of Labor and Industry's web site for a minimum of 30 days prior to the Public Hearing. As the Department's review and posting of the proposed ordinance was completed less than 30 days prior to the scheduled hearing date, it is necessary to reschedule the hearing.

Mr. Park made the motion to establish a Public Hearing date of January 21, 2013, 7:30 PM regarding the proposed Building Code Ordinance. The motion was seconded by Mr. Cashman and carried unanimously.

**SPECIAL EVENT REQUEST**

<b><u>Organization</u></b>	<b><u>Event</u></b>	<b><u>Property/Street(s)</u></b>	<b><u>Date/Time</u></b>
Warren County YMCA	Warren Snowball Softball Tournament	Betts Park – Temp 1 Field, Betts Softball Field, and one additional softball field	Sat. 12/29/12 9:00 AM to 9:00 PM

Mrs. Freenock stated that City staff has concerns regarding the granting of this request; specifically, damage that may result to the fields as a result of tournament play in wet winter conditions. Over the past few years there has been a cooperative effort between the City and the ball leagues that regularly utilize these facilities to significantly upgrade playing surfaces on the Betts Park ball fields.

It was suggested that approval of the event be conditioned on final approval by the Department of Public Works based on the condition of the fields and the forecasted weather. It was suggested that such determination would occur on December 26. It was also noted that there is no water service to the park during the winter months and, therefore, portable restrooms would be required for the event.

Mr. Lewis made the motion to approve the Warren County YMCA request to hold the "Warren Snowball Softball Tournament" utilizing Betts Field, Temp 1 Field, and one additional softball field at Betts Park on Saturday, December 29, 2012 conditioned on final approval by the Department of Public Works. Following amendment (below) the motion carried unanimously.

Mr. Cashman made the motion to amend the motion by requiring that the Warren County YMCA provide a bond in the amount of \$5000 to cover any damage to the fields. The motion was seconded by Dr. Ferguson and carried unanimously.

**RESOLUTION NO. 2905: ADOPTING THE 2013 MUNICIPAL BUDGET**

Mrs. Freenock stated that the 2013 Budget is summarized as follows:

General Fund	\$7,657,915	(+1000 Historical Soc.)
Community Improvement Program	\$4,070,000	
Sewer Fund	\$1,764,075	
Parking Fund	\$ 494,072	

Under this budget, the Real Estate Tax millage will be set at 19.8 mills on each one dollar of assessed valuation and the combined Earned Income Tax will remain at two and two-tenths percent (Earned Income Tax of one percent plus Supplementary Earned Income Tax of one and two-tenths percent).

Mr. Lewis made the motion to approve the resolution adopting the 2013 Municipal Budget. The motion was seconded by Mr. Cashman and carried with five votes in the affirmative and two negative votes being cast by Mr. Harvey and Mayor Phillips.

**ORDINANCE NO. 1820: ESTABLISHING THE REAL ESTATE TAX RATE FOR 2013**

Mr. Lewis made the motion to approve the ordinance setting the 2013 Real Estate Tax Rate at 19.8 mills. The motion was seconded by Mr. Cashman and carried with five votes in the affirmative and two negative votes cast by Mr. Harvey and Mayor Phillips.

**ORDINANCE NO. 1821: ESTABLISHING SPECIAL EVENT PERMIT REGULATIONS AND PROCEDURES**

Sgt. Brandon Deppen stated that the City is presented with an ever-increasing number of requests regarding special events to be conducted on City property and/or streets. Such events are generally for the enjoyment of citizens and visitors to the community and often benefit the business community as well. However, many of these events result in significant expenses being incurred by the City. In addition, existing regulations pertaining to such events do not fully address the nature and scope of the current trends in events. Therefore, Ms. Nau, then Acting City Manager, assigned a committee of City employees the task of reviewing regulations, costs, and fees associated with special events.

As a result of the review and research conducted, the committee developed a comprehensive ordinance which provides for the appropriate use and enjoyment of City properties and streets for special events, addresses the City's fiscal concerns regarding such events, and provides a streamlined process for approving events.

Sgt. Deppen distributed information regarding special event overtime costs incurred by the Police, Fire, and Public Works Department over the past three years.

Concerns regarding the permitting of alcohol were discussed and it was requested that the City Manager and Solicitor be prepared to discuss this matter at a future meeting.

Mr. Cashman made the motion to approve the ordinance establishing Special Event Regulations and Procedures. The motion was seconded by Mr. Park and carried with six votes in the affirmative and one negative vote cast by Mr. Lewis.

**RESOLUTION NO. 2906: ESTABLISHING SEWER USER RATES FOR 2013**

Mr. Holtz stated that as the City operates, maintains and prepares to make significant improvements to the City's wastewater treatment system as proposed in the Official Sewage Facilities Plan required by the Pennsylvania Department of Environmental Protection and the U.S. Environmental Protection Agency, it is necessary to continue a plan of adjusting sewer user rates on an annual basis.

Mr. Lewis made the motion to adopt the resolution establishing Sewer User Rates for 2013. The motion was seconded by Mr. Zavinski and carried unanimously.

**RESOLUTION NO. 2907: ESTABLISHING FEE SCHEDULE FOR 2013**

Mrs. Freenock stated that in response to increasing costs for the provision of various permits, services, and facilities, it becomes necessary from time to time to amend the City's Fee Resolution.

In response to Council members' suggestion that rates be increased for both pavilion reservation and pool fees for non-City residents, Cindy Strandburg, Parks and Recreation Director, expressed concern that an increase in pool fees would result in decreased attendance. She noted that a great

number of season and daily passes are purchased by out-of-town visitors with many coming from the Jamestown, NY area.

Mr. Lewis made the motion to approve the resolution establishing the Fee Schedule for 2013. The motion was seconded by Mr. Cashman. Following amendment (below) the motion carried with six votes in the affirmative and one negative vote cast by Mr. Park.

Mr. Harvey made the motion to amend the motion by setting the Pavilion Reservation fees for non-City residents at 25% greater than the City resident reservation fee. The motion was seconded by Mr. Cashman and carried with five votes in the affirmative and two negative votes cast by Mr. Lewis and Mr. Park.

**RESOLUTION NO. 2908: DESIGNATING HILL ENGINEERING, INC. AS CITY ENGINEER**

Mrs. Freenock noted that the City Engineer would be available to meet the City's needs in accordance with requests from the City with payment made for such services to be based on the per diem rate schedule.

Mr. Cashman made the motion to approve the resolution designating Hill Engineering, Inc. as the City Engineer for 2013. The motion was seconded by Mr. Park and carried unanimously.

**RESOLUTION NO. 2909: APPROVING CONTRACT AGREEMENT WITH HILL ENGINEERING**

Mr. Cashman made the motion to approve the resolution authorizing a contract agreement with Hill Engineering, Inc. for services provided in 2013. The motion was seconded by Mr. Park and carried unanimously.

**RESOLUTOIN NO. 2910: APPOINTING KERSEY & ASSOCIATES, PC AS AUDITOR**

Mrs. Freenock stated that each year, by resolution, Council approves a contract for the performance of auditing services for the City. The firm of Kersey & Associates, PC, has indicated, and agreed, that the gross fee plus expenses will not exceed \$36,000. An audit of the wastewater agreed-upon procedures pertaining to the Sewer Revenue Fund will be completed at an estimated fee of \$4,500. Should significant additional time be required to complete the audit of the Sewer Revenue Fund, Kersey & Associates will notify the City and discuss a revised fee estimate prior to incurring additional costs.

Mrs. Risinger stated that there has been a significant increase in the amount of work required of the auditing firm in regard to grant funding and other requirements by the State. As a result, Kersey & Associates realized a loss in the performance of the 2011 audit.

Mr. Lewis stated that he believes there are additional local accounting firms which are qualified to perform a municipal audit and that the City should place this service out to bid.

Mr. Cashman made the motion to approve the resolution appointing Kersey & Associates, PC as the auditor for the audit of the 2012 Accounts of the City and the wastewater conveyance and treatment costs agreed-upon procedures pertaining to the Sewer Revenue Fund. The motion was seconded by Mr. Zavinski and carried with five votes in the affirmative and two negative votes being cast by Mr. Lewis and Mr. Park.

**RESOLUTION NO. 2911: RETAINING STAPLEFORD & BYHAM, LLC AS CITY SOLICITOR**

Mrs. Freenock stated that the firm has completed their third full year with the City. Attorney Andrea Stapleford would continue to serve as primary counsel to the City and Attorney Christopher Byham would serve as secondary counsel.

Dr. Ferguson made the motion to retain the firm of Stapleford & Byham, LLC to serve as City Solicitor for 2013. The motion was seconded by Mr. Cashman and carried with six votes in the affirmative and one abstention by Mr. Lewis.

**RESOLUTION NO. 2912: ESTABLISHING COMPENSATION RANGES**

Mrs. Freenock stated that the compensation ranges for Classified Employees not included in collective bargaining agreements were established in accord with the 2013 budget as proposed.

Mr. Lewis made the motion to approve the resolution establishing compensation ranges for Classified Employees not included in collective bargaining agreements. The motion was seconded by Mr. Park and carried unanimously.

**AGREEMENTS: BUILDING CODES INSPECTION – MUNICIPAL SERVICES**

Mr. Gustafson stated that at the November 19 regular meeting, Council approved a revised agreement for the performance of building code permit and inspection services pursuant to the Pennsylvania Uniform Construction Code (UCC) in municipalities with which the City has existing agreements. Although the municipalities were each provided with a copy of the proposed agreement, the City did not receive responses until following the City's adoption of the agreement. The common concern among the municipalities involved the fees/expenses for which they would be responsible in the event of an appeal and at what appeal level they would bear financial responsibility. Mr. Gustafson noted that he and the City Manager met with the City Solicitor and have clarified the language in Agreement Item No's 3 and 6 under "Fees" and believe the revised language appropriately addresses the municipalities' concerns.

Mr. Lewis made the motion to approve the amended Municipal Services Agreements for Building Codes Inspection Services (with Brokenstraw Township, Clarendon Borough, Glade Township, Mead Township, Pine Grove Township, Pleasant Township, Sheffield Township, and the Borough of Youngsville). The motion was seconded by Mr. Park and carried unanimously.

**ADJOURNMENT**

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