

**CITY COUNCIL MEETING
MINUTES
Monday, May 12, 2008
7:00 p.m.**

Mayor Eisaman called the meeting to order at 7:00 p.m. City Administrator, Susan Trout, took roll call with the following members present: Councilman Johnson, Councilman Peterinelli, Councilman Tridico, Councilman Finfrock and Mayor Eisaman. City Solicitor, Timothy McCormick and Fiscal Director/City Treasurer, Mary Perez were also present.

*****PLEDGE OF ALLEGIANCE*****Councilman Tridico

*****APPROVAL OF LAST MONTH'S COUNCIL MINUTES*****Councilman Peterinelli **MOVED** to approve the minutes from last month's Council meeting, and Councilman Tridico **SECONDED**. No discussion. **Unanimously all voted in favor.**

*****APPROVAL OF MONTHLY BILL LIST*****Councilman Finfrock **MOVED** to approve the bill list and pay the bills as the money becomes available. Councilman Johnson **SECONDED**. No discussion. **Unanimously all voted in favor.**

*****REPORTS OF COUNCIL*****

Councilman Johnson, "The Recreation Office started selling passes for the Veterans' Memorial Swimming Pool today. The public may purchase season passes until June 27, 2008. There are evening and weekend hours scheduled for those who cannot come during the day. Those dates and times are Mondays and Thursdays, May 15th, 19th and 29th, and June 2nd and 5th from 4:00 p.m. to 7:00 p.m. You may also buy passes on Saturdays, June 7th, 14th and 21st from 11:00 a.m. to 3:00 p.m. There's going to be a free concert at St. Clair Park on Saturday, May 17, 2008 featuring contemporary Christian music starting at 12 noon until 9:00 p.m. On Sunday, May 18, 2008 there's going to be a memorial service sponsored by the Greensburg Fire Department starting at 4:00 p.m. These events will be held at the amphitheater. The Recreation Department will be installing two new swing sets at the Lynch Field complex beside the existing playground area. This should be completed later this month. All our summer programs are open for registration. You can get information on the City's website at www.city.greensburg.pa.us, and there will be an advertisement insert in the Tribune Review. You may also call the Recreation Office at 724-834-4880 for any program information. In the last few weeks I met with the Coulter Playground Association and discussed plans to upgrade that play area which will include but not be limited to playground equipment repairs and replacement, basketball court upgrades, cleaning up the brush and debris and lighting concerns. Last month the Greensburg Recreation Board members also visited four of our playground sites and we're going to continue to visit all the playground sites throughout the City, so they can understand the different areas that may need some help. I want to tell the City population that the new Greensburg website is now up. A lot more information will be there and it will be friendlier to operate. Thank you."

Councilman Peterinelli, "Being the bulk plants for asphalt are open now the Street Department has done three alleys so far. One is next to 209 Westminster Avenue; one is next to 135 Stark Avenue; and McKeon Way from Pittsburgh to Second Streets. They're all done. They're also working on the one between Maple and Main from Third to Fourth Streets. Also the paperwork is being done for next month's meeting so we can plan on repaving the streets we have chosen. Our new street sweeper is coming in on May 20, 2008. We will try to sell the old one on-line. If we can't, we have a bid on it already though. That's it."

Councilman Tridico, "The City has approved six storefront improvement grant applications in the amount of \$9,000. The business owner pays 50% of the total project costs with the grant covering the other 50%. The City anticipates the review of seven additional grant applications before August 1, 2008. The Department of Community and Economic Development (DCED) has notified the City that our request for additional grant program funding has been approved. The City will receive an additional \$30,000. The 2008 storefront improvement grant program will have \$60,000 for distribution. That concludes my report."

Councilman Finfrock, “Revenues are at 35% of the budget. That is 1% lower than revenues as of April 2007 and that’s in a couple of areas. One is a timing area and one is a tax revenue area that we’ll be looking at to get back online. Even though we’re down 1% in revenues, we’re actually down 1% in expenses so that kind of balances out. So expenses are at 31% of budget and that is the 1% that is lower than last year. Mary has informed me that she has some line items isolated and she will be meeting with some supervisors to make sure this doesn’t get out of control. We will be taking a very firm stance on this and it’s going to be a tough year and we want to keep on top of the situation.”

*****MAYOR’S REPORT*****

- a. **Code, Fire and Police Reports.** Mayor Eisaman reviewed the Code, Fire and Police Reports. Copies of these reports may be obtained at the respective offices or the City Administration Office.
- b. **The Official Greensburg City Guide/SummerSounds Guide.** Mayor Eisaman, “You’ll be receiving this year’s edition of our City Guide highlighting events such as the 14th annual Community Days celebration beginning on Thursday, May 22nd. A complete Community Days schedule of events will be included as an insert in the Sunday edition of the Tribune Review on May 18th. Also, the guide includes a complete schedule of performances for the SummerSounds concert series with the first concert scheduled on June 6th. We hope everyone in the Greensburg area will have the opportunity to get out and enjoy these events.”

*****INTRODUCTION OF BILLS*****

Bill No. 4 – AN ORDINANCE OF THE CITY OF GREENSBURG AMENDING CHAPTER 227, ENTITLED ‘SOLID WASTE’, OF ORDINANCE NO. 1646, THE CODE OF THE CITY OF GREENSBURG. Ms. Trout, “The purpose of Bill No. 4 is to amend Paragraph L. of Section 227-9 deleting the mandate that haulers have to obtain permits from the Code Enforcement Office as well as approval from City Administration to place dumpsters or roll-offs in the City; and adding a requirement that anyone wishing to place a container, dumpster or roll-off on a street, alley or in public right-of-ways must obtain prior approval from the Police Department.”

Mayor Eisaman, “Is there a limitation on time or do they just need permission?”

Ms. Trout, “Just permission, I believe. I don’t think there is a time limitation.”

Mayor Eisaman, “Should there be a limitation on time or does that create too many complications depending on when things can get approved?”

Ms. Trout, “It could.”

Bill No. 5 – AN ORDINANCE OF THE CITY OF GREENSBURG AMENDING CHAPTER 249 OF ORDINANCE NO. 1647, ENTITLED ‘VEHICLES AND TRAFFIC’ OF THE CODE OF THE CITY OF GREENSBURG. Ms. Trout, “The purpose of Bill No. 5 is to add no parking designation on both sides of Klines Way between Pittsburgh and Otterman Streets to the list of locations listed under Schedule XIV of Section 249-70, entitled ‘Parking Prohibited at All Times’.”

Mayor Eisaman, “I assume there are no homeowners on Klines Way that utilize this parking or they have their own parking?”

Ms. Trout, “I believe they have their own parking.”

*****ENACTMENT OF RESOLUTIONS*****

Resolution No. 1126 – A RESOLUTION OF THE CITY OF GREENSBURG AUTHORIZING THE PLANNING DIRECTOR TO APPLY TO THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES (DCNR) ON BEHALF OF THE CITY FOR GRANT FUNDING IN THE AMOUNT OF \$43,412.50 TO BE MATCHED BY THE CITY FOR THE PURPOSE OF FURNISHING AND INSTALLING AN ENERGY EFFICIENT CEILING SYSTEM FOR THE KIRK S. NEVIN ICE ARENA. THIS RESOLUTION IS RETROACTIVE TO APRIL 25, 2008.

Ms. Trout, “This resolution needs to be part of the grant package that we sent to DCNR, so that’s the purpose of it being on tonight’s agenda. They know it will be forthcoming should it be approved tonight.”

Councilman Tridico, “Barb, how sure are we that we will receive that grant?”

Ms. Ciampini, “I haven’t heard anything and it is very competitive.”

Councilman Johnson **MOVED** to enact Resolution No. 1126, and Councilman Tridico **SECONDED**. No further discussion. Roll call vote was taken. **All voted unanimously to enact Resolution No. 1126.**

Resolution No. 1127 – A RESOLUTION OF THE CITY OF GREENSBURG GRANTING AN INTER-MUNICIPAL LIQUOR LICENSE TRANSFER OF PENNSYLVANIA LIQUOR LICENSE R-16469 FROM NEW KENSINGTON TO THE CITY OF GREENSBURG FOR USE AT THE PREMISES DESIGNATED AT 17 WEST SECOND STREET, GREENSBURG, PA. Ms. Trout, “In conjunction with a public hearing that was advertised and conducted earlier this evening, enactment of Resolution No. 1127 grants the inter-municipal liquor license transfer to Robert Nicholson to be utilized at 17 West Second Street.”

Mayor Eisaman, “City Solicitor, can we attach approval to the resolution that the application has to be applied to the Pennsylvania Liquor Control Board (PLCB) within 45 days of Council approval?”

Solicitor McCormick, “I would suggest that. We did that with the last similar request for an inter-municipal transfer. I think it’s a good idea. That way it just doesn’t sit with no activity on it through the PLCB. I think that’s a good suggestion.”

Mayor Eisaman, “I know we’re presenting it as a transfer to Robert Nicholson, but should it also be addressed that if he would develop as part of the application an L.L.C., an L.P., a corporation; C. or S. Corp., that as long as he’s majority owner that would also be acceptable?”

Solicitor McCormick, “The request came to us from the individual, Robert Nicholson. I think that’s a good suggestion for them. As long as he’s the majority owner in any corporation that makes the application to the PLCB, you’re indicating to Council that’s what you’re voting on as opposed to if he would become a minority holder in any subsequent business they wouldn’t have to necessarily come back as long as he’s a majority owner or applying in his own name.”

Mayor Eisaman, “I never thought to ask this at the meeting, but normally you don’t transfer a liquor license in an individual’s name.”

Solicitor McCormick, “Right. It can happen, but it doesn’t happen for liability reasons.”

Mayor Eisaman, “Does anyone have a problem attaching that language?”

Councilman Tridico **MOVED** to enact Resolution No. 1127 with the two contingencies; one, that they make application within 45 days; and, two, as long as Mr. Nicholson is the majority principal in any type of business corporation, and Councilman Johnson **SECONDED**. No further discussion. Roll call vote was taken. **All voted unanimously to enact Resolution No. 1127.**

*****COUNCIL APPROVAL*****

- a. Promotion of Police Lieutenant.** Mayor Eisaman, “Having completed the Civil Service testing and promotional process, Sergeant Chad Zucco is recommended by myself and the members of the Civil Service Commission to be promoted to the rank of Lieutenant filling the position left vacant after the retirement of Lieutenant Stan Joyce.”

Councilman Peterinelli **MOVED** to approve the promotion, and Councilman Finfrock **SECONDED**. No discussion. Roll call vote was taken. **All voted unanimously to approve the promotion.**

***** OATH OF OFFICE***** Mayor Eisaman administered the Oath of Office to Lieutenant Chad Zucco.

- b. Promotion of Police Sergeant.** Mayor Eisaman, “Officer Rob Jones is recommended for promotion to Sergeant filling the position vacated by the promotion of Chad Zucco. He completed the Civil Service testing and promotional process and is the recommended officer to be promoted to Sergeant.”

Councilman Johnson **MOVED** to approve the promotion, and Councilman Peterinelli **SECONDED**. No discussion. Roll call vote was taken. **All voted unanimously to approve the promotion of Rob Jones to the rank of Sergeant.**

*****OATH OF OFFICE***** Mayor Eisaman administered the Oath of Office to Sergeant Rob Jones.

- c. Hiring of Police Officer.** Mayor Eisaman, “He has gone through the Civil Service process and has been interviewed and Shawn Denning is recommended to be

hired as a member of our Police force effective May 27, 2008.”

Councilman Finrock **MOVED** to approve the hiring, and Councilman Peterinelli **SECONDED**. No discussion. Roll call vote was taken. **All voted unanimously to approve the hiring of Shawn Denning.**

*****OATH OF OFFICE***** Mayor Eisaman administered the Oath of Office to Officer Shawn Denning.

- d. Resignation of Full-time Certified Telecommunicator.** Ms. Trout, “Council approval accepts the resignation of Carrie Sliwoski effective Monday, June 2, 2008.”
Councilman Johnson **MOVED** to approve the resignation, and Councilman Peterinelli **SECONDED**. No discussion. **All voted unanimously to approve.**
- e. Hiring of Full-time Certified Telecommunicator.** Ms. Trout, “Michelle L. White is recommended by the Chief of Police to be promoted from part-time status as a Certified Telecommunicator in the Police Department to the position of full-time Certified Telecommunicator at the rate of \$13.92 per hour effective May 25, 2008.”
Councilman Tridico **MOVED** to approve the hiring, and Councilman Finrock **SECONDED**. No discussion. **All voted unanimously to approve.**
- f. Hiring of Seasonal Employees.** Ms. Trout, “Council approval is for the hiring of Mike Megrey, John Humberger, Luke Faust and Nick Colonna as seasonal maintenance employees at Mt. Odin at a rate of \$8 per hour. At Lynch Field, Rachael Felice, Mallory Earle and Emily Osborne are recommended to be hired as lifeguards at the rate of \$7.25 per hour; and August Sander and Matthew Thomas as pool maintenance at the rate of \$7.15 per hour.”
Councilman Johnson **MOVED** to approve the hiring of the seasonal employees, and Councilman Peterinelli **SECONDED**. No discussion. **All voted unanimously to approve the hiring of the seasonal employees.**
- g. Amendment No. 1 to Agreement No. C000020680 between the City of Greensburg and the Department of Community and Economic Development.** Ms. Trout, “Council approval amends the agreement for grant funding for the Administration of Year 3 of the Main Street and Façade Improvement Programs. Amendments to the original agreement include extension of the contract activity period and termination date to June 30, 2010 and an increase to the budget of \$30,000 retroactive to April 28, 2008. This amount includes the allocations of \$45,000 for regular administration and \$30,000 for the annual façade monies previously approved. So it’s an additional \$30,000 and I think we were awarded it because of the great job by Steve and his gang at getting these façade grants out there.”
Councilman Finrock **MOVED** to approve the amendment, and Councilman Tridico **SECONDED**. No discussion. **All voted unanimously to approve.**
- h. Arts Grant Contract Agreement between the City of Greensburg and Westmoreland County.** Ms. Trout, “Council approval accepts the grant in the amount of \$200 awarded by the County from their allocation of grants-in-aid funding by the Pennsylvania Council on the Arts. The funding will go towards the City’s sponsorship of the ‘Johnny Angel and the Halos’ concert scheduled at St. Clair Park on July 20th.”
Councilman Johnson **MOVED** to approve the grant, and Councilman Peterinelli **SECONDED**. No discussion. **All voted unanimously to approve.**
- i. Voting Delegate and Resolution Committee Appointment Certification for the 109th Annual Convention of the Pennsylvania League of Cities and Municipalities (PLCM).** Ms. Trout, “Council approval appoints Mayor Eisaman to serve as the City’s voting delegate and member of the Resolutions Committee at the upcoming PLCM convention in June.”
Councilman Peterinelli **MOVED** to approve the appointment, and Councilman Tridico **SECONDED**. No discussion. **All voted unanimously to approve.**
- j. The 2008 Honorarium Agreement for the Community Gardens and Greenspace Program between the City of Greensburg and the Western Pennsylvania Conservancy (WPC).** Ms. Trout, “Council approval accepts the

payment of \$1,000 to be paid to the City in two equal installments for meeting our responsibilities as outlined in the WPC's Garden Steward Handbook. And anyone who would like to plant flowers we will be at the Route 30 garden on May 31st at 7:00 a.m."

Councilman Johnson **MOVED** to approve the agreement, and Councilman Finrock **SECONDED**. No discussion. **All voted unanimously to approve.**

- k. Agreement between Simplex Grinnell and the City of Greensburg.** Ms. Trout, "Council approval is for maintenance to the equipment located at the Robert A. Bell Parking Garage for the period of July 1, 2008 to June 30, 2009 in the annual amount of \$2,897, a 6% increase over last year's price."
Councilman Peterinelli **MOVED** to approve the agreement, and Councilman Johnson **SECONDED**. No discussion. **All voted unanimously to approve.**
- l. Contract between the City of Greensburg and 'Clowns R Me', GlitterDot & Dapper.** Ms. Trout, "Approval of the contract is for a performance at St. Clair Park in conjunction with the 'Johnny Angel and the Halos' concert in the amount of \$200."
Councilman Finrock **MOVED** to approve the contract, and Councilman Johnson **SECONDED**. No discussion. **All voted unanimously to approve the contract.**
- m. Advertising Agreement between the City and Hometown Media, Inc. of Cranberry.** Ms. Trout, "Approval is for advertising in the amount of \$395 that will be traded in the form of golf certificates. This is to boost advertising for our golf course at Mt. Odin."
Councilman Johnson **MOVED** to approve the agreement, and Councilman Finrock **SECONDED**. No discussion. **All voted unanimously to approve.**
- n. Sign and Banner Agreement between the City of Greensburg and Allegheny Power.** Ms. Trout, "Approval of the agreement allows us to hang new banners on Allegheny Power poles throughout the City. The Greensburg Community Development Corporation obtained \$2,400 in grant funding and they designed the first banner."
Councilman Peterinelli **MOVED** to approve the agreement, and Councilman Tridico **SECONDED**. No discussion. **All voted unanimously to approve.**
- o. Agreement between the City of Greensburg and Pashek Associates.** Ms. Trout, "The purpose of the agreement is for Pashek Associates to perform a feasibility study for a Full Pitch Soccer and Sports Facility. The cost is \$25,000 and will be paid through grant funding obtained by State Representative Tom Tangretti. It will include what we should do in regards to our indoor facilities."
Councilman Finrock **MOVED** to approve the agreement, and Councilman Johnson **SECONDED**.
Mayor Eisaman, "As part of the agreement I believe the maximum cost to the City of Greensburg is the \$25,000, which is the grant money."
Councilman Johnson, "That's correct."
No further discussion. **All voted unanimously to approve the agreement.**
- p. Appointments to the Recreation Board.** Ms. Trout, "The following residents have agreed to serve on the City's Recreation Board: Nat Pantalone will fill the unexpired term of Dick Petroy until September 13, 2009; Roxanne Hutchinson will fill the unexpired term of Dan McCarty until February 14, 2010; Joe Williams will fill the unexpired term of Nancy Stewart until September 8, 2012; Geno Ray will fill the unexpired term of Tom Battelino until September 8, 2012; and Drew Ecklund will fill the unexpired term of Karly Vesely until June 8, 2013."
Mayor Eisaman, "Which brings us to where we should be?"
Ms. Trout, "Correct. We should have a total of 11 members and this completes that."
Councilman Johnson **MOVED** to approve the appointments, and Councilman Finrock **SECONDED**. No further discussion. **All voted unanimously to approve the appointments.**
- q. Agreement of Sale between the Greensburg Community Development Corporation (GCDC) and the City of Greensburg.** Ms. Trout, "The GCDC is purchasing the property at 116 College Avenue in an effort to create a larger

redevelopment opportunity at the corner of College Avenue and Otterman Street. This agreement guarantees that the City will repay the GCDC \$37,500 plus closing costs not to exceed \$50,000 in total within a 24-month period in the event that the property is not sold in that 24-month period.”

Councilman Johnson, “It’s my opinion that’s the first of a few properties we’re going to purchase to make a better opportunity for development, right?”

Mayor Eisaman, “Correct. This was part of the GCDC’s overall picture of trying to have a broader scope in different programs they’re working on with the City to develop our downtown area.”

Councilman Johnson **MOVED** to approve the agreement of sale, and Councilman Tridico **SECONDED**. No further discussion. **All voted unanimously to approve.**

- r. **Authorization for the Mayor to Sign Off on any Corrective Measures to the Easement Agreement with the State Office Building.** Solicitor McCormick, “At the last Council meeting we were asked to do a corrective measurement relating to the footprint of the building up there and on Friday I received another request to correct something. This is all in conjunction with possible negotiations relating to the sale of the building to someone else which hasn’t been finalized. They keep coming back asking to correct these things. So I would ask that the motion be as long as I review the agreement and it is determined to be corrective only as opposed to substantive, that Council authorizes the Mayor to sign off on this easement. Why I’m bringing it up tonight is because I think it’s an ongoing process and they don’t know exactly when they’re going to finalize the deal. So if you could have that motion I would appreciate it.”
- Mayor Eisaman, “You’re asking Council to approve that I can sign off on anything that may be corrective in nature but doesn’t change the substance of the agreement?”
- Solicitor McCormick, “Right.”
- Councilman Peterinelli **MOVED** to approve the authorization of the Mayor to sign off on any corrective measures to the easement agreement; not substantive measures, and Councilman Finrock **SECONDED**. No further discussion. **All voted unanimously to approve the authorization.**

- s. **Authorization for the Mayor to Sign Off on the Lease Estoppel Agreement for the Prospective Buyers of the State Office Building.** Solicitor McCormick, “We’ve been presented with a lease estoppel and the language in that again is in conjunction with the possible sale of this building relating to the parking lease. And all the agreement talks about is that we, at the time of signature, at the time it would be requested of us, simply are acknowledging that there’s nothing happening that would place them in default to us under the agreement. The primary one being, of course, a recognition by us that the rent has been paid. And there’s also in there indicating that we have no objection to the transfer of the lease to these entities. Again, these come up not in terms of our timing, but this way if I’m contacted, I can tell them we already have permission as long as everything is in order.”
- Mayor Eisaman, “This does not change the parameters of the parking leases we have in place now and we’re still entitled to use the spaces at nighttime and on weekends.”
- Solicitor McCormick, “It changes nothing other than saying that the lease that’s in effect is being abided by and we have no objection to the new parties that will take over the lease.”
- Ms. Trout, “I had a concern because the L.L.C.s they name in that agreement I never heard of. I’m sure they’re L.L.C.s associated with that new buyer, but I don’t know that for certain.”
- Solicitor McCormick, “We’re not going to go out and do our own investigation although one of the parties to this is the bank; First Commonwealth is named as one of the parties. Unless they thought they weren’t a bona fide buyer or there was some problem, but we’re not going to go out and do our own investigation. Again I think they’re probably new L.L.C.s in order to accomplish this purpose. I don’t know what we’d do to investigate them further, but if everyone feels we should hold off. I don’t see any reason to hold off as long as when they come to us and say we need this for the closing we’re not re-voting on it.”
- Ms. Trout, “The other issue, Tim, is nowhere in that certificate does it state the specific location of the parking, correct?”

Solicitor McCormick, "It just refers to the lease that is in place now. And again they did come to us earlier and ask for substantive changes in the lease and we said no, we weren't going to change the lease at all. All this does is they're just saying that once we sign off on it we can't go back and sue them. It's really documentation for the closing I'm sure."

Mayor Eisaman, "And more so, they can't sue us."

Solicitor McCormick, "Right. The day we sign it we'll make sure everything is up to date. We won't sign it unless everything is up to speed."

Mayor Eisaman, "What is your recommendation of a motion?"

Solicitor McCormick, "A motion to authorize the Mayor to sign off on the lease estoppel agreement presented for the prospective new buyers."

Councilman Johnson **MOVED** to authorize the Mayor to sign off on the lease estoppel agreement presented for the prospective new buyers of the State Office building, and Councilman Finrock **SECONDED**. No further discussion. **All voted unanimously to approve the authorization.**

*****ADJOURNMENT*****Councilman Tridico **MOVED** to adjourn the meeting. **SECONDED:** Councilman Johnson. Unanimously all voted in favor to **adjourn**.

RESPECTFULLY SUBMITTED:

Susan M. Trout, City Administrator

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Karen\Miscellaneous\Minutes\City Council Minutes\2008 Minutes
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