

MINUTES OF THE REGULAR MONTHLY MEETING OF THE INDIANA
BOROUGH COUNCIL HELD TUESDAY, AUGUST 4, 2009, AT 7:00 PM, IN THE
COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING.

PRESENT: President Fruehstorfer, Presiding; D. Peffer, Recording; Council Members Bricklemeyer, Gallo, Hartman, Hogan, Jones, Kravetsky, Petrosky, Shively, Simmons, Thompson and Thorell; Borough Manager Gabler; Police Chief Sutton; Mayor Hood; Wayne Kablack, Esquire; Code Officer Kirk; Chuck Kelly, Indiana Fire Association; Betsy Lauber, Downtown Indiana; J. D. Varner; Jim Wakefield; Greg Varner; Randy Wells, Indiana Gazette; Celeste Gossman, Renda Broadcasting; and several visitors.

President Fruehstorfer called the meeting to order, at 7:00 PM.

After a moment of silent reflection, Councilman Simmons led the Pledge of Allegiance.

Pres. Fruehstorfer asked for a Roll Call. All Council members were in attendance.

There was a motion by Hogan, second by Thompson, to approve the minutes of the Regular Meeting of July 7, 2009, as written. Motion Carried.

There was a motion by Gallo, second by Jones, to approve the Financial Reports for July 2009 as presented. Motion Carried.

The following action occurred during Public Participation:

- ◇ J. D. Varner, 420 Oak Street, informed Council that he is still in the process of brokering an agreement with Giant Eagle for the use of an electronic sign located at the intersection of South 7th Street and Wayne Avenue.
- ◇ Jim Wakefield, 209 Papermill Avenue, presented a petition he circulated that contains 852 signatures of individuals in favor of having South 11th Street reopened, from Oakland Avenue to Grant Street. Wakefield feels this is very important for the general public, as well as emergency vehicles and their response time. Wakefield also then informed Council of some other concerns that residents expressed. These included the recently installed turf on the school football field, the bulb-outs on Fifth Street, not being able to park on their own grass, and the renewal date of the garbage contract.
- ◇ Doug Varner presented the results of a survey he conducted on whether people were in favor of electronic signs/displays in the downtown area. Of the 385 signatures collected, 382 people were in favor with only 3 opposed. Varner offered to make Council a copy of the results for their consideration. Varner also informed Council that current court cases do not regulate content. It becomes an issue of 1st and 14th amendment rights. Varner cautioned Council that they could be legally challenged on the premise of on-site or off-site advertising. Varner stated that from a professional business sense, electronic signs are a favorable tool in the marketplace.

The following action occurred during the Committee Reports:

ADMINISTRATION/PUBLIC WORKS:

- ◇ There was a motion by Hartman, second by Kravetsky, to authorize some additional work at the Parking Garage in the amount of \$5,500. This will cover the expense of 9 fittings and couplings for drainage that were overlooked originally. Motion Carried.
- ◇ There was a motion by Hartman, second by Thompson, to authorize a complete top coat in an affected area of the Parking Garage in the amount of \$27,800. Borough Manager Gabler informed Council that with the exception of our \$5,000 deductible, the rest of the damage will be paid for by our insurance company. Motion Carried.
- ◇ There was a motion by Hartman, second by Kravetsky, to withhold \$6,733.85 in liquidated damages from Hirschmann Construction Services for delays in the Elm Street Project. Motion Carried. Hartman stated \$18,000 has also been withheld from the final payment for reseeding and planting work that will be done in the fall.

COMMUNITY DEVELOPMENT/PUBLIC SAFETY:

- ◇ The Mack Foundation has asked for financial assistance to help maintain the community swimming pool and raise capital for the proposed renovation project of the facility.
- ◇ There was a motion by Hogan, second by Hartman, to approve for publication the revised Sign Ordinance. Code Officer Kirk then went over the proposed revisions, and stated this will require a Public Hearing prior to adoption. The vote was 11 yes, 1 no. Councilman Thorell voted no. Motion Carried.
- ◇ There was a motion by Hogan, second by Simmons, to approve for publication an amendment dealing with nonconforming student housing. Motion Carried. This will also require a Public Hearing. Pres. Fruehstorfer then announced that the two (2) Public Hearings would be held Tuesday, September 8th, at 6:00 PM, prior to Council's Regular Meeting.
- ◇ A "Back to School Bash" will be held on August 22nd, from 9 AM to 2 PM. Church Street, between 6th and 7th Streets, will be closed during that time for the distribution of school supplies and clothing to approximately 650 low-income children.
- ◇ Abby Morris has prepared two songs that she would like to offer for the borough's use. One is about downtown, and the other pertains to Indiana County. Councilwoman Hogan offered to get together with Morris to listen to the songs and report back to Council.

SHADE TREE COMMISSION: No Report

RECREATION COMMISSION:

- ◇ Councilman Gallo stated there has been some conversation about the Mack Park swimming pool, and he thinks everyone needs to keep an open mind about it.

- ◇ White Township is going to be doing a lot of things that will change the dynamics of the Recreation Commission, so the Commission members will need to look at things more closely and try to work with the three entities to move forward from that investigation.
- ◇ There have been some equipment problems. One of the mowers had to be repaired, and the expense was high. A couple of the trucks are having leaking coolant issues, but that can be expected since they are 1997 vehicles.
- ◇ A lawsuit was filed against the Commission from an incident that occurred several years ago, and Parks Director Don Peffer recently testified at the deposition and did a good job.
- ◇ There are still lots of discount tickets available for area amusement parks and the zoo. Councilman Hartman encouraged everyone to take advantage of this opportunity.
- ◇ If anyone is interested in placing an ad in the Commission's fall program brochure, please contact the Recreation & Parks Department office as soon as possible.
- ◇ Councilman Simmons suggested the Mack Foundation be invited to attend the next Commission meeting to present their proposed swimming pool renovation ideas. Hartman stated the meetings are open to the public, and he would ask Chairman Fairman to have them placed on the agenda, but he cautioned that the Commission wouldn't be in a position to donate any money. The Indiana Area Recreation and Parks Department is funded by allocations from three entities: Indiana Borough, the Indiana School District and White Township.

The following action occurred during Borough Manager Gabler's report:

- ◇ A meeting was held with representatives of the Residential Revival Project to discuss the proposed closure of Maple Street from now until mid-summer 2010. After meeting on-site and reviewing the issues affecting the proposed street closure, Gabler recommends that the borough allow Maple Street to be closed until it is reconstructed by FIUP during the summer of 2010. Pres. Fruehstorfer also attended the meeting, and he agreed with Gabler's assessment. Chuck Kelly stressed the importance of having one lane accessible. Gabler will contact them and reiterate the need to leave one lane open at all times so that emergency vehicles can get through.
- ◇ With contributions from the Planning Commission and staff, Gabler has prepared a "Parking Policy as a Tool for Achieving Community Development Objectives." Councilman Bricklemyer asked if this was going to be discussed at a future Work Session. Gabler stated it is going to the Overlay Sub-Committee first. Bricklemyer stated he would need more information before voting on it, such as a marketing study and financial projections.

The following action occurred during Chief Sutton's report:

- ◇ Everyone received a copy of the Police Department Activity Report for July 2009.

- ◇ Council also received a copy of the Parking Department statistics for July 2009, as well as July 2008 for comparison.
- ◇ Councilman Petrosky asked if we were going to be involved in the G-20. Chief Sutton stated the borough's Police Department has been invited, but he is still pondering it.

The following action occurred during Code Officer Kirk's report:

- ◇ David Moore has submitted an application for a Traditional Neighborhood Overly Development Project at South 7th and Washington Streets. This application was forwarded to the Planning Commission. They gave tentative approval with some conditions and voted to forward it to Council for formal approval. Kirk explained this will require a Public Hearing, which will be held prior to the Work Session on August 18th.
- ◇ Councilman Hartman noted a discrepancy between the dollar amounts reported in the borough's monthly financial report and the Code Department report. Gabler and Kirk stated it could be the time difference between when a receipt is written and the money is actually deposited at the bank, but they will check into it.

The following action occurred during Unfinished Business:

- ◇ There was a motion by Thorell, second by Jones, to adopt a resolution asking IUP officials to reopen South 11th Street, between Oakland Avenue and Grant Street, so that the safety, convenience and general welfare of the entire community might be restored. During the discussion period, Councilman Simmons wanted to go on record that in the event of an emergency, the fire department will still be able to respond. That chain across Eleventh Street will not keep the apparatus from reaching the destination. The vote was 10 yes, 2 no. Councilmen Gallo and Simmons voted no. Motion Carried. Councilman Thorell and Jim Wakefield plan to attend the September meeting of the IUP Trustees to present a copy of the formal resolution, as well as the petition containing 852 signatures, requesting that this area be reopened to vehicular traffic.

The meeting was adjourned at 8:40 PM, upon a motion by Thorell and a second by Hartman.