

**WARREN CITY COUNCIL
REGULAR MEETING
DECEMBER 20, 2021 – 7:00 PM**

OPENING OF MEETING

Mayor Cashman presided over the December 20, 2021, regular meeting of Warren City Council in Council Chambers of the Municipal Building and opened the meeting with the Pledge of Allegiance.

EXECUTIVE SESSION ANNOUNCEMENT

Mayor Cashman announced that Council met in executive session immediately prior to this meeting for the purpose of discussing the acquisition of real property and litigation regarding real estate tax appeals filed by Northwest Bank.

RECOGNITION OF COUNCIL MEMBERS

Mayor Cashman thanked Kimberly Exley, Gregory Fraser, Paul Giannini, and Douglas Hearn and presented each with a memento in recognition of their service as members of Warren City Council.

ROLL CALL

Members present and responding to roll call were: Mayor Maurice Cashman, Kimberly Exley, Gregory Fraser, Paul Giannini (via Zoom), Philip Gilbert, Douglas Hearn, and John Wortman. Members of City Staff present were Nancy Freenock, City Manager; Jessicca Byler, Acting Finance Officer; Michael Holtz, DPW Director; David Krogler, Fire Chief; Teena Leary, Assistant City Clerk; Randall Rossey, Codes and Planning Director; Joseph Sproveri, Chief of Police; Chad Yurismic, City Engineer; and Andrea Stapleford, City Solicitor.

APPROVAL OF THE AGENDA

Upon motion by Mr. Fraser and second by Mr. Gilbert, Council members voted unanimously to approve the agenda as presented.

APPROVAL OF MINUTES

Upon motion by Mr. Wortman and second by Ms. Exley, the minutes of the November 15, 2021, Public Hearing were unanimously approved.

Upon motion by Mr. Wortman and second by Ms. Exley, the minutes of the November 15, 2021, Regular Meeting were unanimously approved.

Upon motion by Mr. Wortman and second by Ms. Exley, the minutes of the November 29, 2021, Special Meeting were unanimously approved.

Upon motion by Mr. Wortman and second by Ms. Exley, the minutes of the December 13, 2021, Budget Public Hearing were unanimously approved.

RECOGNITION OF VISITORS

Mayor Cashman welcomed all visitors. Present were:

- Joe Michaels: Council Member Elect
- Jared Villella: Council Member Elect
- David Wortman: Mayor Elect
- Andy Close: YourDailyLocal Reporter
- Josh Cotton: Times Observer Reporter

CORRESPONDENCE

Mrs. Freenock presented correspondence from Council Member Elect Wendy McCain tendering her resignation from the Redevelopment Authority.

RESOLUTION NO. 3161: ADOPTING THE 2022 MUNICIPAL BUDGET

Mrs. Byler stated that it was proposed that City Council adopt the 2022 Municipal Budget which is summarized as follows:

General Fund	\$ 9,613,172
Community Improvement Program	\$ 4,389,000
Sewer Fund	\$ 2,605,287
Parking Fund	\$ 391,484

Under this budget, the Real Estate Tax millage would remain at 20.8 mills on each one dollar of assessed valuation and the combined Earned Income Tax would remain at two and three-tenths percent (Earned Income Tax of one percent plus Supplemental Earned Income Tax of one and three-tenths percent).

Mrs. Byler indicated that the Parks and Recreation Commission received three proposals: installation of Pickleball Courts at Betts Park (\$77,000), installation of a Disk Golf Course (\$30,000), and softball infield upgrades at Betts Park (\$45,000). It was noted that Council could consider offering to aid in funding the projects if the respective groups raise a minimum of fifty percent of the total amount required for the requested project. If Council favored such action, the Contingency Fund contained within the 2022 proposed budget could be increased by \$76,000.

In addition, Chief Sproveri recently learned that, in order to maintain status as an accredited Police Department, it is necessary that new fencing meeting certain specifications be installed at the vehicle impound lot. Pending WiFi service at the lot, security cameras may also be installed. The estimated project cost is \$20,000 and it was suggested that this amount be added to the Contingency Fund.

Mr. Wortman made the motion to adopt the 2022 Municipal Budget and add \$20,000 to the Contingency Fund to be utilized for the Police Department Impound Lot fencing and security camera(s). The motion was seconded by Ms. Exley and carried unanimously.

ORDINANCE NO. 1958: ESTABLISHING THE 2022 REAL ESTATE TAX RATE

Mrs. Freenock stated that the budget, as presented to Council, reflects no increase in the Real Estate Tax rate. She noted that the requisite Budget Public Hearing was held on December 13, 2021.

Mr. Fraser made the motion to approve the ordinance establishing the 2022 Real Estate Tax Rate at 20.8 mills. The motion was seconded by Mr. Gilbert and carried unanimously.

RESOLUTION NO. 3162: ESTABLISHING FEES

Mrs. Freenock indicated that in response to changing costs for the provision of various permits, services and use of facilities, it becomes necessary from time to time to amend the City's Fee Schedule. Mrs. Freenock noted that the fees represent an offset to costs incurred by the City (e.g. personnel and supplies).

Mr. Wortman made the motion to adopt the fee resolution with the addition of Ambulance Fees and Ambulance Membership rates and all other fees to remain unchanged. The motion was seconded by Mr. Gilbert and failed with three votes in the affirmative and four nay votes cast by Mr. Fraser, Mr. Giannini, Mr. Hearn, and Mayor Cashman.

Mr. Fraser made the motion to adopt the fee resolution as presented, with clarification of two Police Department permit items. The motion was seconded by Mr. Giannini and carried with four votes in the affirmative and three nay votes cast by Mr. Wortman, Mr. Gilbert, and Ms. Exley.

RESOLUTION NO. 3163: APPOINTING SOLICITOR FOR 2022

Mrs. Freenock stated that the firm of Stapleford & Byham, LLC, has completed its twelfth year as the City Solicitor. Ms. Andrea Stapleford serves as primary counsel and Christopher Byham as secondary counsel.

Mr. Wortman made the motion to adopt the resolution appointing the firm of Stapleford & Byham, LLC, as the Solicitor for the year 2022. The motion was seconded by Mr. Gilbert and carried unanimously.

RESOLUTION NO. 3164: APPOINTING HEALTH OFFICER FOR 2022

Mrs. Freenock stated that, in accord with City Ordinance No. 1890, it is necessary for Council to annually, by resolution, appoint a health officer(s), who shall be certified and recognized by the Commonwealth of Pennsylvania Departments of Agriculture and Health or any Commonwealth agency which may be designated for the regulation of Retail Food Facilities. The appointment is for a term commencing on January 1, 2022, and ending December 31, 2022.

Mr. Fraser made the motion to approve the resolution appointing Dr. Dennis Olson as the 2022 City Health Officer. The motion was seconded by Mr. Wortman and carried unanimously.

MEMORANDUM OF UNDERSTANDING: I.B.E.W. LOCAL 459

Mrs. Freenock stated that, according to its terms, the current Collective Bargaining Agreement (as extended by a Memorandum of Understanding dated August 27, 2020) between the City and the International Brotherhood of Electrical Workers, Local No. 459, will expire on December 31, 2021. This union represents employees in the Department of Public Works as well as clerical and parking enforcement employees in the Police Department. The proposed Memorandum of Understanding was approved by the Union members.

Mr. Wortman made the motion to approve the Memorandum of Understanding between the City and the International Brotherhood of Electrical Workers, Local No. 459. The motion was seconded by Ms. Exley and carried unanimously.

RESOLUTION NO. 3165: CLASSIFIED EMPLOYEES COMPENSATION RANGES

Mrs. Freenock stated that the compensation ranges for Classified Employees (non-union) are to be set by resolution of City Council. The ranges provided for in the proposed resolution were determined in accord with the 2022 budget as adopted.

Following questions from Council members regarding an apparent disparity in pay for certain classifications, Mayor Cashman called for Council to adjourn to executive session for discussion of this personnel matter.

Upon return to regular session, Mr. Fraser made the motion to adopt the resolution establishing Classified Employee Compensation Ranges with the range for "Secretary/Clerk" to be amended to \$38,000 to \$50,000. The motion was seconded by Mr. Wortman and carried unanimously.

RESOLUTION NO. 3166: NON-UNION EMPLOYEE BENEFITS

Mrs. Freenock stated that, from time-to-time, it is appropriate to update the resolution pertaining to non-union employees. The resolution includes the addition of two paid vacation days for new hires who complete six months of service, one additional paid vacation day for employees who have completed 120 months (10 years), an additional three paid vacation days for employees who have completed 240 months (20 years) of service, amendments to the use of accumulated sick leave as pre-retirement leave, and employee contributions for healthcare coverage.

Mr. Wortman made the motion to approve the resolution as presented. The motion was seconded by Mr. Gilbert and carried unanimously.

REPEAL OF CERTAIN BUILDING CODE FEES

Mr. Rossey noted that at the October 18, 2021, regular meeting, Council voted to enter into an agreement with Bureau Veritas North America, Inc. for the performance of residential and commercial Uniform Construction Code (UCC) permitting, inspections, and plan reviews. Bureau Veritas will begin to perform these services upon the retirement of the City's part-time inspector on December 23, 2021.

Resolution No's 3105 and 3106 provide for fees and policies relative to Building Codes Permit Applications and Inspections; such fees and policies will now be set by Bureau Veritas. Therefore, the stated resolutions will be obsolete as of December 23, 2021, and may be repealed.

Resolution No. 3167: City Building Code Fees

Mr. Wortman made the motion to adopt the resolution repealing Resolution No. 3105 pertaining to City Building Code Fees. The motion was seconded by Mr. Gilbert and carried unanimously.

Resolution No. 3168: Non-City Building Code Fees

Mr. Wortman made the motion to adopt the resolution repealing Resolution No. 3106 pertaining to Non-City Building Code Fees. The motion was seconded by Mr. Gilbert and carried unanimously.

AGREEMENTS: WARREN GENERAL HOSPITAL RIGHT-OF-WAYS

Mr. Holtz noted that, at the November 15, 2021, regular meeting, Council members voted to authorize City Staff to prepare a Right-of-Way agreement for Warren General Hospital Sign Replacement/Relocation Project. It is planned that the new sign will be installed in the right-of-way at the intersection of St. Clair Street and Main Avenue. Council also authorized preparation of a Right-of Way agreement for the Hospital to construct a generator building within the City's right-of-way along Main Avenue between Crescent Park Drive and St. Clair Street.

Agreement: Warren General Hospital Sign Right-Of Way

Mr. Fraser made the motion to approve the Warren General Hospital Sign Right-of-Way agreement, (with added language in item five). The motion was seconded by Ms. Exley and carried unanimously.

Agreement: Warren General Hospital Generator Building Right-Of-Way

Mr. Fraser made the motion to approve the Warren General Hospital Generator Building Right-of Way agreement. The motion was seconded by Mr. Wortman and carried unanimously.

HIY, INC. LONG-TERM PARKING LEASE – TABLED

Mr. Holtz stated that, at the November 29, 2021, special meeting, Council members voted to authorize City Staff to prepare an agreement with HIY, Inc. which provides for a long-term lease of fifteen to twenty parking spaces. The leased parking spaces are to be used solely for guests and employees of the boutique hotel which will be located within the HIY Building.

Following discussion, Mr. Fraser made the motion to table action on the proposed parking lease agreement. The motion was seconded by Mr. Gilbert and carried unanimously.

AGREEMENT: DEWBOI PROPERTIES – RACP FUNDING SUB-GRANTEE

Mr. Holtz stated that, at the November 15, 2021, regular meeting, Council members voted to allocate \$1.5 million in Redevelopment Assistance Capital Project (RACP) funding to DewBoi Properties, LLC, to be utilized for development of the Wendelboe Hotel and to authorize City staff to develop a Sub-Grantee Agreement.

Mr. Fraser made the motion to approve the DewBois Properties Redevelopment Assistance Capital Project Sub-Grantee Agreement with language added to indemnify elected officials. The motion was seconded by Mr. Hearn and carried with six votes in the affirmative and one nay vote cast by Mr. Gilbert.

AGREEMENT: WARREN PUBLIC LIBRARY – RACP FUNDING SUB-GRANTEE

Mr. Holtz stated that, at the November 15, 2021, regular meeting, Council members voted to allocate \$100,000 in Redevelopment Assistance Capital Project funding to the Warren Public Library for development of an upgraded Teen Room and to authorize City staff to develop a Sub-Grantee Agreement.

Mr. Fraser made the motion to approve the Warren Public Library Redevelopment Assistance Capital Project Sub-Grantee Agreement with language added to indemnify elected officials (Teen Room Project). The motion was seconded by Mr. Wortman and carried unanimously.

RESOLUTION NO. 3160: AUTHORIZING FISH & BOAT COMMISSION GRANT APPLICATION

Mr. Yurisc stated that the City applied for a grant through the Pennsylvania Fish and Boat Commission (PFBC) in December of 2020 for the engineering, design, and construction of a proposed boat ramp at the foot of Liberty Street. The 2020 ask for \$1M was based upon advice from Fish and Boat Commission personnel who strategized that the State Fish and Boat Commission would allocate its additional Federal funding to the project.

The PFBC recently reopened this grant funding opportunity for which the application deadline is December 30, 2021. Following a review of the grant guidelines and a pre-application meeting with the PFBC, City Staff determined that preliminary engineering, design, and permit preparation costs for the boat ramp would be a qualifying activity. The total estimated cost for site survey, preliminary engineering, subsurface geotechnical investigations, environmental studies and reports, permitting, and preparation of construction drawings and specifications is \$285,000. This would advance the project to a “shovel ready” stage and better position the City to secure future grants for construction.

The grant requires the City to provide a 50% minimum match; the PFBC grant administrator indicated that higher match amounts increase the chances of funding being awarded. The match may take a combination of many forms including direct cash match from the City and other state funding sources. It is therefore recommended that the grant amount requested from the PFBC be for \$95,000, with the remainder (\$190,000) being funded by other match [American Recovery Plan (ARP) funding].

Mr. Wortman made the motion to adopt the resolution authorizing submission of a grant funding application to the Pennsylvania Fish and Boat Commission. The motion was seconded by Mr. Gilbert and carried unanimously.

BREEZEPOINT LANDING/RIVERFRONT DEVELOPMENT

Mr. Holtz noted that Council was provided with background information at the November 29, 2021, Special Meeting. At that time, Council members present voted to table the matter until this date pending the receipt of legal advice from the Solicitor.

It was recommended that the City negotiate a perpetual easement for property which is located behind the HIY, Inc. building and adjacent to the Allegheny Riverfront to be utilized for a planned walking trail. This action would be in addition to the transfers relative to the subdivided townhome parcel and Breeze Point Circle involving properties of Robert Yoder and associated entities.

City staff requested Council's authorization and direction to proceed with the subdivision process and drafting the documents which will be required to accomplish the described transfers and a perpetual easement.

Mr. Fraser made the motion to authorize and direct City Staff to proceed with the subdivision of parcel No. WN-575-9922-00, development of documents related to the transfer of the subdivided parcel to the City, development of documents related to the City's acceptance of Breeze Point Circle, and development of a perpetual easement for a walking trail on land adjacent to the Allegheny Riverfront. The motion was seconded by Mr. Gilbert and carried unanimously.

LUDLOW STREET, LLC, SETTLEMENT BY STIPULATION – TABLED

Ms. Stapleford stated that, at the November 15, 2021, regular meeting, Council was asked to consider a Settlement by Stipulation in regard to the property assessment appeal filed by Ludlow Street, LLC (Days Inn). At that meeting, Councilman Fraser requested that Council be provided with the amount of the reduction in real estate taxes collected by the City as a result of the new assessment. He also asked that Council be advised as to whether the 2021 taxes have been paid by Ludlow Street, LLC, and, if so, the amount of refund that would be due as a result of the proposed settlement.

The following information was provided in response to Mr. Fraser's inquiries:

In October of 2020, the Board of Assessment Appeals reduced the assessed value from \$615,360 to \$415,410 (\$199,950 reduction) for the tax year 2021. This reduced the City's real estate tax revenue by \$4,158.96 (par value).

Subsequently, Ludlow Street, LLC, filed a second appeal which, if awarded, will further reduce the 2021 assessed valuation from \$415,410 to \$266,725 (\$148,685 reduction) which equates to an additional \$3092.64 decrease in City real estate tax revenue at par value (\$148,685 x .0208).

Under the terms of the Settlement by Stipulation, the 2022 assessed valuation would be reduced yet again from \$266,725 to \$243,225 (\$23,500 reduction) which equates to an additional \$488.80 decrease in City real estate tax revenue at par value (\$23,500 x .0208).

The 2021 real estate taxes were paid at the discount rate in the amount of \$8,467.72. Pending the Settlement by Stipulation, the amount to be refunded to Ludlow Street, LLC, would be \$3,030.80 based on the discount rate (\$148,685 x .0208 less 2% discount of \$61.85).

Mr. Wortman made the motion to table action on the proposed Ludlow Street, LLC, Settlement by Stipulation. The motion was seconded by Mr. Fraser and carried unanimously.

NORTHWEST BANK APPRAISAL

Mr. Wortman made a motion to direct Counsel to conduct an appraisal of Northwest Bank. The motion was seconded by Mr. Fraser and carried unanimously.

RESOLUTION NO. 3169: NAMING JAZz AMPHITHEATER

Mr. Holtz stated that James A. Zavinski, Sr., *aka* JAZ, humbly dedicated countless hours to the betterment of our community and also served as a long-time member of Warren City Council. His many projects include:

1. Building, planting, and tending flower boxes located on bridges and throughout the business district;
2. Initiating the rehabilitation of Soldiers and Sailors Park;
3. Spearheading the return of the Rose Bowl Flower Garden to its original purpose as a fountain at Crescent Park;
4. Working to re-establish downtown holiday lighting and assisting with the drive to obtain new letters for the Crescent Park "Warren Wishes You Merry Christmas and Happy New Year" greeting; and
5. Perhaps, most notable, was his participation in the founding of the Music in the Park Program and ongoing work to promote the program and weekly attendance to ensure that all was ready for the performers.

The suggestion was made that an appropriate way to recognize Mr. Zavinski for his dedicated service to the City would be to name the amphitheater at Soldiers and Sailors Park in his honor. The Parks and Recreation Commission voted to recommend that City Council officially name the amphitheater the JAZz Amphitheater and authorize the placement of signage similar to that at Art Kelsey Park. It was further recommended that a dedication ceremony be held at the opening night of the 2022 Music in the Park season.

Mr. Fraser made the motion to approve the resolution naming the JAZz Amphitheater (at Soldiers and Sailors Park) and authorization to proceed with signage. The motion was seconded by Mr. Gilbert and carried unanimously.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Upon motion by Wortman and second by Mr. Fraser, Council members voted unanimously to make the following appointments:

1. Jackie Angove: Parks and Recreation Commission (term expires 12/31/2025)
2. Kristine Whitaker: Parks and Recreation Commission (term expires 12/31/2025)
3. Raymond Pring, Jr.: Planning Commission (term expires 12/31/2025)
4. Kimberly Exley: Planning Commission (term expires 12/31/2025)
5. Gary Sawtelle: Planning Commission (term expires 12/31/2025)
6. Josie Gerardi: Street Landscape Committee (term expires 12/31/2025)
7. Denise Whipp: Blighted Property Review Committee (term expires 12/31/2023)
8. Melissa Zydonik: Board of Health (term expires 12/31/2026)

NAMING OF HIY, INC'S BOUTIQUE HOTEL

Ruzhdi Bakalli, HIY, Inc's president, requested that Council provide the name for HIY's proposed boutique hotel project.

Mr. Fraser made the motion to suggest that HIY Inc's boutique hotel be named the Kinzua Riverfront Hotel. Upon motion by Mr. Gilbert the motion carried with five votes in the affirmative and two nay votes cast by Mr. Hearn and Mayor Cashman.

DEPARTMENT REPORTS – NOVEMBER, 2021

The following reports were presented for Council’s review:

- Police Department
- Fire Department
- Department of Public Works
- Codes and Planning Department

APPROVED MINUTES OF BOARDS AND COMMISSIONS

Council acknowledged receipt of the following approved minutes:

Blighted Property Review Committee	– September 23, 2021	Regular Meeting
Parks and Recreation Commission	– October 5, 2021	Regular Meeting
	– October 19, 2021	Special Meeting
Planning Commission	– October 20, 2021	Regular Meeting
	– November 17, 2021	Regular Meeting
Redevelopment Authority	– October 27, 2021	Regular Meeting
Street Landscape Committee	– October 26, 2021	Regular Meeting

ADJOURNMENT

As Mayor Cashman closed the final meeting over which he presided as Mayor, he wished all a Happy New Year and shared recent news regarding the PA Wilds being selected as a finalist for funding under the Build Back Better Program. He stated that the City is a partner in the application and faces a tremendous amount of work in doing its share in preparing the next round application. He indicated that this is a “once in a lifetime opportunity” which, if approved, will bring a significant amount of funding to the Riverfront Project.

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

Note: In the 2021 November General Election Mr. Cashman was elected to serve the remaining two years of a vacated Council seat.