

**WARREN CITY COUNCIL
REGULAR MEETING
APRIL 18, 2022 – 7:00 PM**

OPENING OF MEETING

Mayor Wortman presided over the April 18, 2022, 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 Wortman announced that Council met in executive session immediately prior to this meeting for the purpose of obtaining legal advice and on April 13, 2022, to discuss personnel matters.

ROLL CALL

Members present and responding to roll call were: Mayor David Wortman, Maurice Cashman, Philip Gilbert, Wendy McCain, Joe Michaels, Jared Villella, and John Wortman. Members of City Staff present were Nancy Freenock, City Manager; Jessicca Byler, Acting Finance Officer; Cassandra Damcott, Administrative Assistant; Michael Holtz, DPW Director; David Krogler, Fire Chief; Randall Rossey, Codes and Planning Director; Joseph Sproveri, Police Chief; and Andrea Stapleford, City Solicitor.

RECOGNITIONS

Mayor Wortman acknowledged members of the Warren Area High School Girls Basketball Team and presented members of the team as well as Coach LaVann certificates in celebration of their successful season.

Mayor Wortman acknowledged members of the Warren Area High School Swim/Dive Team and presented members of the team as well as Coach Beyer certificates in celebration of their successful season.

RECOGNITION OF VISITORS

Mayor Wortman welcomed all visitors. Present were:

- Jon Marti, Kim Mong, and Doug James: Pickleball
- Christine Boyer-Krantz and Jillian Harry: PennDOT representatives (via Zoom)
- David Winans: Hudson Presentation
- Rob Roth: Wicked Warren's
- Members of Warren Area High School Girls Basketball Team
- Members of Warren Area High School Swim/Dive Team
- Josh Cotton: Times Observer Reporter
- Andy Close: YourDailyLocal Reporter

Jon Marti, representing the Warren Pickleball Club (WPC), addressed Council and acknowledged receipt of a letter regarding matters that need to be addressed in order to proceed with the Pickleball courts at Clifford R. Betts Park and indicated that WPC met with the Special Events Committee as well as the Parks and Recreation Commission to discuss management and scheduling of the proposed courts. Mr. Marti noted that the WPC is working on development of a site plan and hopes to have a full package available to present to Council at its May meeting.

Doug James and Kim Mong addressed Council to extend an invitation to the Mayor and members of Council to the Pickleball open house to be held at Betts Park on May 14 from 11:00 AM to 3:00 PM; there will be demonstrations and a meet and greet. Ms. Mong expressed her appreciation for the efforts that have gone into making this possible.

APPROVAL OF THE AGENDA

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

Mr. J. Wortman made the motion to amend the agenda by adding a business item for Council to discuss and consider offering support of a statue of George Washington which would be located at Washington Park. The motion was seconded by Mr. Villella and carried unanimously.

APPROVAL OF MINUTES

Upon motion by Mr. Villella and second by Mr. J. Wortman, the minutes of the March 21, 2022, regular meeting were unanimously approved with one spelling correction.

CORRESPONDENCE

There was no correspondence to come before Council.

HUDSON GROUP PRESENTATION

Kelley Coey, Director of Development for the Hudson Group, presented the plan for Eagles Crest, a senior housing project to be constructed at the corner of Pennsylvania Avenue West and Liberty Street. Ms. Coey provided an overview of some other projects for which the Hudson Group has been awarded Pennsylvania Housing and Finance Agency (PHFA) funding and explained that Hudson Group was originally contacted by the City to design a project for this location. A market study identified the need for housing those aged 62 and older and, therefore, Hudson Group created a senior housing facility containing 40 units along with a common area on the first floor. Ms. Coey answered questions from Council regarding Hudson Group projects and the possibility of this project creating tax revenue for the City.

Ms. Coey indicated that the Hudson group is invested in this project and has submitted three applications to PHFA but has not yet received an award for this project. The Group plans to submit a fourth application and requests a letter of support from City leaders.

PENNDOT ROUNDABOUT PROJECT

Mr. Holtz stated that on April 12, 2022, City staff participated in a conference call with Christine Boyer-Krantz, PennDOT Project Manager, to discuss the proposed Maintenance Agreement for the Roundabout to be constructed at the intersection of Market Street and Pennsylvania Avenue West. The differences between a Maintenance Agreement and a Landscape Maintenance Agreement were discussed; the Maintenance Agreement was deemed to be most favorable for the City. The Agreement outlines the City's and PennDOT's responsibilities for the project as well as continued maintenance once the project is completed. Council was provided with a letter dated April 11 from Tom McClelland, Assistant District Executive-Design, for PennDOT Engineering District 1-0 concerning Municipality responsibilities in regard to surface water drainage facilities, roadway lighting, sidewalks, and curb ramps. Ms. Boyer-Krantz participated via Zoom to answer questions from Council.

Ms. Boyer-Krantz explained that if the maintenance agreement is not signed by the City, the center island of the roundabout will not include a retaining wall, topsoil, water hookup or electric, which were all originally included in the bid package. Ms. Boyer-Krantz further explained that the City does have statutory requirements to be financially responsible for some costs related to the roundabout once the project is completed.

Mr. J. Wortman made the motion to indefinitely postpone the maintenance agreement for the Roundabout at Market Street and Pennsylvania Avenue. The motion was seconded by Mr. Michaels but failed with three votes in the affirmative and four nay votes cast by Mr. Cashman, Mr. Gilbert, Ms. McCain, and Mr. Villella.

Mr. Cashman made the motion to authorize signing the PennDOT maintenance agreement as presented. The motion was seconded by Mr. Gilbert and carried with four votes in the affirmative and three nay votes cast by Mr. Michaels, Mr. J. Wortman, and Mayor Wortman.

Mr. Cashman made a motion to adopt the resolution authorizing signatories to a roundabout maintenance agreement and assuming responsibility for the streetlights surrounding the roundabout to be constructed at the intersection of Pennsylvania Avenue and Market Street as presented. The motion was seconded by Mr. Gilbert and carried with four votes in the affirmative and three nay votes cast by Mr. Michaels, Mr. J. Wortman, and Mayor Wortman.

PROPOSED ORDINANCE AMENDMENT: WIRELESS COMMUNICATIONS FACILITIES

Mr. Rossey stated that, as wireless communications technology and facilities advance, it is necessary, from time to time, to amend the Code of the City of Warren to accurately address current practices. Due to the complexity of this matter, Council previously authorized retention of the Cohen Law Group to draft an update to the Zoning Ordinance as it pertains to wireless communications facilities.

It was noted that if the proposed ordinance is not adopted, the City will have no recourse to prevent wireless providers from locating facilities/apparatus wherever they choose.

Mr. J. Wortman made a motion to table the action regarding wireless communication facilities pending a joint work session with the Planning Commission to review the proposal with legal counsel. The date of the joint work session will be set by City staff at a later time. The motion was seconded by Mr. Michaels and carried unanimously.

PROPOSED LETTER OF CONFIRMATION: WICKED WARREN'S OUTDOOR ALCOHOL SERVICE

Mr. Rossey stated that Ordinance No. 1956, dated April 19, 2021, provides that, in the C-1 Central Commercial District, business owners may place tables and/or chairs directly in front of their place of business for the purpose of serving its patrons and such seating may be reserved for the sole use of its patrons. The ordinance also provides that the staff of the business may take orders for, and serve, food and/or beverages to patrons seated at the afore-mentioned seating.

Robert Roth, president of Wicked Warren's, submitted a letter in which he stated his intent to submit an application to the PA Liquor Control Board for a temporary permit to extend the service of alcohol to the area directly in front of its currently licensed premises; the permit would be in effect until December 31, 2024. The PLCB requires that a letter of permission from the City be included in the application package.

Ms. Freenock also noted that in a meeting with the City's insurance broker recently it was requested that the City be named additional insured for liquor liability purposes. Mr. Roth indicated that should not be a problem.

Mr. Vilella made the motion to approve submission of a letter of permission for Wicked Warren to conduct sales upon the sidewalk directly in front of its place of business in accord with PLCB regulations. The motion was seconded by Mr. Gilbert and carried unanimously.

LETTER OF SUPPORT FOR PROPOSED GEORGE WASHINGTON STATUE

Mr. J. Wortman made the motion to submit a letter of support for a privately funded statue of George Washington at Washington Park with the understanding that this will be included in later discussions regarding updates to the park overall. The motion was seconded by Mr. Gilbert and carried unanimously.

**BID AWARDS: DEPARTMENT OF PUBLIC WORKS
CONTRACTED IMPROVEMENTS FOR 2022-2023**

Mr. Holtz stated that every two years the City lets bids for Contracted Improvements which includes municipal sidewalk replacement, storm inlet (catch basin) and manhole installation, sewer installation, concrete/brick street repairs and tree/stump work. Several bids were received for these items with the following being the lowest bids per item:

1. John Anderson Construction for items 1, 2, 3 and 4 (install sewer pipe, storm inlets, and manholes)
2. Huber Blacktop for item 7 (concrete sidewalk handicap ramps)
3. R&M Concrete for item 8 (install concrete sidewalk and streets)
4. Huber Blacktop for item 9 (rehab brick streets)
5. Great Lakes for items 10, 11 and 12 (bucket truck, tree removal and stump removal)

Mr. Cashman made a motion to award the contracts as presented. The motion was seconded by Mr. Gilbert and carried unanimously.

CONTRACTED STREET OPENING RESTORATION

Mr. Holtz stated that the City opened sealed bids for Contracted Street Opening Restorations. The sole bid received for the contract was from Huber Blacktop Company, LLC.

The City has worked with Huber Blacktop Company in the past and it was recommended that Council award the contract to Huber Blacktop Company.

Mr. Villella made the motion to award the Street Opening Restoration Contract to Huber Blacktop Company as presented. The motion was seconded by Mr. Gilbert and carried unanimously.

CONTRACTED MOWING SERVICES

Mr. Holtz indicated that the City opened sealed bids for Contracted Mowing Services. Bids were received from McGraw Lawncare, Young Landscaping, and AMC Contracting & Consulting (formerly Curtis Contracting). After reviewing the three bids, it was Staff's recommendation that Council award the contract to AMC Contracting & Consulting, LLC. Mr. Holtz indicated that, upon review of the bid documents, Staff found that Young Landscaping does not possess sufficient equipment and/or personnel to successfully fulfill the contract.

Mr. J. Wortman made the motion to award the Mowing Services Contract to AMC Contracting & Consulting, LLC as presented. The motion was seconded by Ms. McCain and carried unanimously.

PROPOSED RESOLUTION: FEE SCHEDULE AMENDMENTS

Mr. Holtz noted that Council Member Wortman requested that the matter of permits related to bonfires and the associated permit fee be reviewed. An open fire (commonly referred to as a bonfire) is defined by the National Fire Protection Association (NFPA) as one which is not within an incinerator, barbeque grill, fire pit, container, or fire ring and exceeds a stacked fuel area of three feet in diameter and two feet in height.

Mr. Holtz stated that when utility companies perform repair work which impacts City streets (openings, trenches, etc.) they are required to obtain a Street Opening Permit from the City. The permit fees are reflective of the cost to the City in having the street restored once the utility work is complete. The Department of Public Works opened bids for Street Opening Restoration work on April 8 and found that the bids for asphalt and brick street restoration work were significantly higher than in prior years; the bid price for concrete work is relatively unchanged. As a result, it was recommended that the permit fees for street openings on asphalt and brick streets be increased as indicated on the provided pages excerpted from the Fee Schedule.

Mr. J. Wortman made the motion to remove the bonfire permit fee and increase the fees for street opening permits for asphalt and brick streets as recommended. The motion was seconded by Mr. Michaels and carried unanimously.

PROPOSED RESOLUTION: AUTHORIZING APPLICATION FOR COUNTY LIQUID FUELS ALLOCATION

Mr. Holtz noted that each year it is necessary for Council, by resolution, to apply for the County Liquid Fuels Tax Allocation. The City's allocation for 2022 was established at \$10,841.00. These monies are used to reimburse the General Fund for salt purchases for snow and ice control.

Mr. Cashman made the motion to approve the proposed resolution authorizing the 2022 County Liquid Fuels Allocation application. The motion was seconded by Mr. Villella and carried unanimously.

PROPOSED RESOLUTION: CLARK ST. PARKING GARAGE REHABILITATION PROJECT RACP FUNDING

City Staff is preparing the final Application and Business Plan regarding RACP funding which will be utilized for the Clark Street Parking Garage Rehabilitation Project. As part of the process, the Office of Budget requires that the City adopt a resolution authorizing submission of the Application and Business Plan and identifying the source of the required matching funds. The proposed resolution also authorizes Staff to solicit proposals for the Project, review and evaluate the proposals and make a recommendation to Council, and authorizes the Mayor, City Manager, and Department of Public Works Director to sign the appropriate documents related to the funding.

The City borrowed \$3,600,000 from Key Government Finance of which \$2,815,118.28 was deposited after existing loans were satisfied; from the deposited loan proceeds, \$2,000,000 will be applied to the Project and \$815,118.28 will be utilized for engineering services and contingencies.

Mr. J. Wortman made a motion to approve the resolution regarding RACP funding for the Clark Street Parking Garage Rehabilitation with the amendment that the monies being applied to the Project be \$2,000,000, leaving \$815,118.28 for engineering services and contingencies. The motion was seconded by Mr. Villella and passed with six votes in the affirmative and one nay vote by Ms. McCain.

PROPOSED RESOLUTION: APPLICATION FOR DCNR ROUND 28 GRANT FUNDING

At the March 21, 2022, regular meeting, Council approved Resolution No. 3180 which authorized an application to the PA Department of Conservation and Natural Resources (DCNR) for Round 28 Grant Funding. If awarded, these funds will be utilized for acquisition of the property which lies behind the HIY building and is proposed for development of a walking trail extension and for the undeveloped portion of the townhomes property at Breeze Point Circle which is proposed for vehicle/boat trailer parking.

The City has since received updated appraisals which indicate that the current value of the parcel which is located between the HIY building and the Riverfront is valued at \$63,000 less than the prior verbal appraisal; this is due to the anticipated access easements which must be granted. Therefore, closing costs will also be reduced. As a result, it is necessary to adopt a new resolution reflective of these factors.

Mr. Cashman made the motion to approve the proposed resolution for DCNR Round 28 Grant Funding as presented. The motion was seconded by Mr. Michaels and carried unanimously.

PROPOSED RESOLUTION: USDA GRANT/LOAN FOR AMBULANCE PURCHASE

Chief Krogler explained that the Fire Department submitted a Grant/Loan Application in the amount of \$229,235.00 to the United States Department of Agriculture (USDA) Rural Development Office for the purchase of a 2021 Ford E-450 Life Line Custom Superliner Type III Ambulance including Stryker Power Load. At a special meeting held on October 25, 2021, Council authorized the purchase and approved the use of available funds in the City's Equipment Fund towards the purchase.

The USDA approved the application with \$50,000 to be provided in grant funds, \$177,700 to be in the form of a loan, and \$1,535 contributed by the City. USDA guidelines require that a grant/loan be offered and accepted; there are sufficient funds for the City to immediately pay back the loan amount.

The USDA will require the signature of an authorized official on several documents at the grant/loan closing. Therefore, it was requested that the City Manager be authorized to sign all closing documents pertaining to the funding.

As part of the closing on the Grant/Loan, it is required that Council adopt a resolution affirming the City's responsibilities and its commitment to pay the loan amount under the terms of the Community Facilities Grant Agreement.

The ambulance was paid for in full and, therefore, the loan amount will be immediately paid off from the USDA loan proceeds. Despite the immediate loan pay off, the term and amount of the loan will necessitate a Local Unit Government Debt Act (LGUDA) filing. Therefore, Council will be requested to approve the required LGUDA ordinance at its regular meeting in May.

Mr. Cashman made a motion to approve the USDA funding for the ambulance purchase and authorization for Nancy K. Freenock, City Manager, to sign all documents pertaining to the USDA grant/loan funding. The motion was seconded by Mr. Villella and carried unanimously.

PROPOSED RESOLUTION: AMERICA250PA

Ms. Freenock stated that in 2018, the General Assembly and Governor Wolf created the Pennsylvania Commission for the United States Semiquincentennial (AmericaPA250) to plan for, and encourage participation in, commemorating the 250th anniversary of our nation's founding.

America250PA seeks to receive resolutions in support of the commemoration from all municipalities within the Commonwealth. The resolution documents the City's endorsement of America250PA and its mission to educate, preserve, innovate, and celebrate the Commonwealth's rich history and diversity. It does not bind the City to any obligation, monetary or otherwise.

Mr. J. Wortman made the motion to approve the proposed resolution in support of America250PA and its mission. The motion was seconded by Mr. Villella and carried unanimously.

PROPOSED AGREEMENT: ALLEGHENY OUTFITTERS PARKING LEASE

Mr. Holtz stated that since 2019, Council has approved an annual lease agreement with Allegheny Outfitters for the use of two City-owned parcels and a portion of a third parcel for the purpose of providing parking for customers, employees, and vendors. One lot is leased for the full year while two of the lots are leased for the period May 1 through October 31. According to its terms the current lease agreement will expire on April 30, 2022.

When the lease was approved by Council in 2021, it was suggested that an increase in the lease amount be implemented for the 2022 lease; it was, therefore, recommended that the lease amount for each lot be set at \$125 per month.

Mr. Villella made the motion to approve the proposed parking lease agreement with Allegheny Outfitters with the lease amount to be set at \$125 per month. The motion was seconded by Mr. Cashman and carried unanimously.

AUTHORIZATION TO INDEMNIFY PENNDOT

Mr. Holtz stated that any time the City’s Special Events Committee approves a Special Event permit which involves the use of state controlled City streets, a notice of the event must be submitted to PennDOT. In calendar year 2021, PennDOT notified the City of changes to their permitting process, which now require an indemnification agreement along with the special event permit submission. The City is preparing to submit the Special Events permit to PennDOT for the 75th Annual Fourth of July parade and must submit a new indemnification agreement.

Mr. J. Wortman made the motion to approve the indemnification agreement and to authorize Nancy K. Freenock, City Manager to send a letter to indemnify PennDOT. The motion was seconded by Mr. Villella and carried unanimously.

MARKETING COMMITTEE UPDATE

Mr. Villella notified Council that the previously discussed parking sign for the parking garage has been chosen and that Mr. Holtz will utilize funds from the sign budget to pay for the sign. Mr. Villella will continue to work with Mrs. Leary regarding the website and Facebook.

JUNIOR COUNCIL PROGRAM

Mr. J. Wortman indicated that one application has been received for Junior Council and that he will be at Warren Area High School on April 19 to work with administration and see if there are any other interested applicants.

DEPARTMENT REPORTS – MARCH, 2022

The following reports were presented for Council’s review:

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

APPROVED MINUTES OF BOARDS AND COMMISSIONS

Council acknowledged receipt of the following approved minutes:

Parks and Recreation Commission	–	February 1, 2022	Regular Meeting
Planning Commission	–	February 16, 2022	Regular Meeting
Redevelopment Authority	–	February 23, 2022	Regular Meeting
Street Landscape Committee	–	February 22, 2022	Regular Meeting

ADJOURNMENT

Upon motion by Mr. Cashman and second by Mr. Villella, Mayor Wortman declared the meeting adjourned.