

**WARREN CITY COUNCIL
REGULAR MEETING
JANUARY 17, 2022 – 7:00 PM**

OPENING OF MEETING

Mayor Wortman presided over the January 17, 2022, regular meeting of Warren City Council in Council Chambers of the Municipal Building and opened the meeting with the Pledge of Allegiance.

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; 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.

EXECUTIVE SESSION ANNOUNCEMENT

Mayor Wortman announced that Council met in executive session on January 10 for the purpose of receiving information relative to legal matters concerning Emergency Medical Services and the acquisition of real property. Council also met in executive session immediately prior to this meeting for the purpose of receiving legal advice in regard to Emergency Medical Services; the Northwest Bank Tax Appeal Case Numbers 521, 522, 523, 524, 525, 526, and 529 of 2020; the Ludlow Street, LLC, Tax Appeal Case Number 502 of 2020, and its Settlement by Stipulation; and acquisition of real property.

APPROVAL OF THE AGENDA

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

RECOGNITION OF VISITORS

Mayor Wortman welcomed all visitors. Present were:

- John Lewis: Roundabout
- Pauline Steinmeyer: Observing
- Robert Yoder: Request for RACP Funding Allocation (via Zoom)
- Brian Hagberg: YourDailyLocal Reporter (via Zoom)
- Andy Close: YourDailyLocal Reporter
- Josh Cotton: Times Observer Reporter

APPROVAL OF MINUTES

Upon motion by Mr. J. Wortman and second by Mr. Villella the minutes of the December 20, 2021, regular meeting were unanimously approved.

Upon motion by Mr. J. Wortman and second by Mr. Villella, the minutes of the January 3, 2022, organizational meeting were approved with one spelling correction.

CORRESPONDENCE

There was no correspondence to come before Council.

ROUNDBOUT DISCUSSION REMOVED FROM AGENDA

Ms. Stapleford stated that Councilman Wortman raised concerns regarding whether Mayor Wortman may vote on matters concerning the PennDOT Roundabout Project. She noted that Mayor Wortman is an employee of United Refining Company which has stated its opposition to construction of the roundabout. Ms. Stapleford stated that following extensive research, which did

not yield a conclusive answer to the question, the issue was forwarded to the Pennsylvania Ethics Commission for a written opinion regarding the ability of Mayor Wortman and Councilman Wortman to vote on this issue. Upon receipt of the Commission's opinion, it will be shared with Council members.

APPOINTMENTS:

Mrs. Freenock noted that Gary Sawtelle was appointed to the Planning Commission at the December 20, 2021, Council meeting; however, due to a clerical oversight, this appointment put the membership over the prescribed seven members. Mrs. Freenock indicated that Mr. Sawtelle also indicated interest in serving on the Redevelopment Authority on which there were two vacant seats. Also presented for Council's consideration was Douglas Hearn's application to serve on the Redevelopment Authority. *Michael Lyon also submitted an application; however, it was the third application received and it was stated that Mr. Lyon will be afforded the opportunity to be considered for a vacant seat on another board or commission.* Corrected 2/21/2022.

Mr. J. Wortman made the motion to appoint Douglas Hearn and Gary Sawtelle to the Redevelopment Authority. The motion was seconded by Mr. Michaels and carried unanimously. Their terms will expire on December 31, 2025.

Gregory Fraser, who did not seek election to a new Council term, was the prior representative to the Blighted Property Review Committee (BPRC) and, therefore, it is necessary to appoint a new Council representative.

Mr. J. Wortman made the motion to appoint Maurice Cashman to serve as Council's representative to the BPRC. The motion was seconded by Mr. Michaels and carried unanimously.

RESOLUTION NO. 3170: RACP FUNDING ALLOCATION FOR MUNICIPAL PROJECT

Mrs. Freenock stated that the current emergency generator which serves the Municipal Building and the Fire Station is approximately forty years old and was installed at a time when its primary function was to power lights in some areas and the buildings' mechanical systems. With today's level of reliance on digital technology, the generator cannot provide sufficient power that is reliable and at an appropriate consistency to safely power the devices needed for the conduct of business.

The current Municipal Building fire alarm system was also installed approximately forty years ago and consists of five wall-mounted units which will detect a nearby blaze; they are not highly sensitive nor are they able to detect smoke in the early stages of a fire. It was recommended that the Municipal Building fire alarm system be replaced with a new system which would consist of thirty-four sensors/alarms which will detect both smoke and carbon monoxide and will send an alert to a panel which will be housed in the Police Department (this location was selected as that area of the building is occupied the most hours on any given day).

It was recommended that a new Source Capture Exhaust Extraction System (SCES) be installed to remove diesel and gasoline exhaust from the Fire Station truck bay. This system would capture the exhaust fumes and accompanying particulate matter which enter the offices and living quarters housed in the Fire Station.

The windows in the Fire Department Truck Bay are original to the building; therefore, it was recommended that they be replaced with new energy efficient units.

Mr. J. Wortman made the motion to approve the resolution authorizing the allocation of \$500,000 in Redevelopment Assistance Capital Project funds for installation of a new emergency generator to serve the Municipal Building and Fire station, installation of a Municipal Building smoke/fire/carbon monoxide detection system, installation of a Fire Department Source Capture Exhaust Extraction

System, and installation of new Fire Department truck bay windows. The motion was seconded by Mr. Gilbert and carried unanimously.

PROPOSED RACP ALLOCATION: GEOTHERMAL SYSTEM

(See also: November 29, 2021, Council meeting minutes)

Mrs. Freenock stated that current customers of the GeoThermal Well System are experiencing deficient services, particularly in summer cooling. Therefore, Mr. Yoder requested a RACP allocation in the amount of \$500,000 to assist in funding system upgrades which are needed in order to adequately service residential and commercial customers.

Council members who were seated at the time of the November 29, 2021, special meeting, at which this request was discussed, did not make a motion regarding the request. Therefore, it is now requested that Council consider a motion either granting or declining the request for \$500,000 in RACP funds to be allocated solely to the GeoThermal System Upgrade Project. If granted, a sub-grantee agreement would be developed. Mrs. Freenock stressed that the final determination regarding such use of RACP funds lies with the Pennsylvania Office of Budget.

Robert Yoder addressed Council (via Zoom) and stated that, at the time that it was implemented, the GeoThermal System's components were the best available. However, due to age (approximately 15 years), advancements in technology, and lower than anticipated demand, Mr. Yoder stated that it is necessary to undertake a system upgrade project which will increase energy efficiency, reduce operational costs which may be passed on to customers, and prolong the system's useful life (by up to 25 years). Mr. Yoder stated that he would identify matching funds as required by the RACP guidelines and any RACP funds allocated by the City would be utilized solely for the GeoThermal System Upgrade Project. Mr. Yoder stated that, ideally, he would like to see the following happen concurrently:

1. Allocation of RACP funding for use in the GeoThermal Upgrade Project; and
2. Subdivision of the parcel containing an undeveloped Breeze Point townhome building pad; and
3. Transfer of the resulting parcel (No. 2 above) transferred to the City of Warren; and
4. City assumption of maintenance of the Breeze Point Circle cartway; and
5. Easement regarding the land located adjacent to the GeoThermal Well System for the purpose of the City's development of a walking trail.

Following discussion, Mr. J. Wortman asked that Mr. Yoder provide information as to how many individuals (tenants and patrons) are served by the GeoThermal System on a daily basis.

Mayor Wortman directed City Staff and the Solicitor to continue to gather all information regarding the GeoThermal Well, RACP funding, and its impact on other issues as discussed with the intent that a special meeting will be scheduled so that Council may take decisive action.

AGREEMENT: HIY, INC. LONG-TERM PARKING LEASE

(See also: November 29, 2021, and December 20, 2021, Council meeting minutes)

Mr. Holtz stated that in accord with Council direction a long-term parking lease between the City and HIY, Inc. was developed for Council's consideration. It was noted that parcel Parcel No. WN-576-7882 on which the parking spaces will be located is directly across the street from the entrance to the planned Kinzua Riverfront Hotel.

Mr. Villella made the motion to approve the Long-Term Parking Lease with HIY, Inc. for the Kinzua Riverfront Hotel with the addition of "elected and appointed officials" as being indemnified. The motion was seconded by Mr. Gilbert. The motion, as amended (see below) carried unanimously.

Mr. Cashman made the motion to amend the HIY, Inc. Long-Term Parking Lease, Paragraph 7 to state that following improvements (paving) to the lot, rate increases are to be based upon the Core CPI (Consumer Price Index), but not to exceed twenty-five (25) percent in total for the term of the lease. The motion was seconded by Mr. ~~Villella~~ Wortman and carried unanimously. *Corrected 2/21/2022*

LUDLOW STREET, LLC, SETTLEMENT BY STIPULATION

Mr. J. Wortman made the motion to approve the Ludlow Street, LLC, Settlement by Stipulation (real estate tax appeal) in accord with advice provided by the Solicitor during the January 17 executive session). The motion was seconded by Mr. Michaels and carried unanimously.

NORTHWEST BANK TAX APPEAL SETTLEMENT

Mr. Wortman made the motion to settle the Northwest Bank Tax appeal in accord with advice received from Legal Counsel (real estate tax appeal). The motion was seconded by Mr. Michaels and carried unanimously.

MARKETING COMMITTEE

Mr. Villella suggested the formation of a Council sub-committee to serve as the formal Council liaison with local businesses for the purpose of discussing challenges they face as well as identifying opportunities that may exist. He indicated that the goal of the committee would be to increase engagement with the public to provide information on projects/topics, elicit feedback, and increase confidence in the City as a valuable resource for citizens and visitors.

Mr. Michaels made the motion to create a Marketing Committee and to designate Jared Villella as the Committee Chair and Philip Gilbert and Wendy McCain as members. The motion was seconded by Mr. J. Wortman and carried unanimously.

RESOLUTION NO. 3171: ESTABLISHING FEES

At the December 20, 2021, regular Council meeting, the seated Council approved Resolution No. 3162 which established fees. At the request of Mayor Wortman, a new resolution which would roll back all fees (except Ambulance Fees and Ambulance Membership Fees) to be the same as those provided for in Resolution No. 3162 of December 14, 2020 was prepared.

During discussion, Council members indicated that they are not opposed to increasing certain fees provided that the justification for such action is provided.

Mr. Michaels made the motion to approve the resolution establishing fees. The motion was seconded by Ms. McCain and carried unanimously.

REFERRAL TO PLANNING COMMISSION: §470-45(4)(6) OF THE CITY CODE

Mrs. Freenock stated that Chapter 470. Zoning, Article VIII. General Controls, §470-45 Prohibited Uses includes Subsection (4) which prohibits commercial ammunition manufacturing or wholesale storage of ammunition and Subsection (6) which prohibits arsenals.

At the request of Mr. Michaels, Mayor Wortman requested that this item be placed on the agenda for Council's consideration and direction to request the Planning Commission to review these subsections for possible deletion from the City Code. It was recommended that should this request be made to the Commission and should the Commission determine that such is appropriate, the Commission's recommendation to Council shall include its recommendations as to the Zoning District(s) in which such may occur and any accompanying requirements (e.g. distance from property lines, distance from adjoining

residential districts, manner of storage of components and end products) for the protection of citizens, property, and first responders in the event of emergency.

Mr. Michaels stated that he believes the referenced sections of the City Code are vague and noted that the term “arsenal” is not defined. He also expressed his concerns regarding the prevention of such activities within the City.

Mrs. Freenock stated that the Zoning Ordinance will be rewritten in conjunction with the new City Comprehensive Plan (currently under development). She also noted that both State and Federal laws pertaining to the manufacture and storage of munitions must be taken into consideration.

Mr. Michaels made the motion to refer §470-45 (4)(6) of the City Code to the Planning Commission for review and recommendation to City Council regarding possible deletion. The motion was seconded by Mr. Villella and carried unanimously.

DEPARTMENT REPORTS – DECEMBER, 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

Many meetings were rescheduled due to the holiday season; therefore, there were no approved minutes to be provided to Council.

ADJOURNMENT

There being no further business to come before Council, Mr. Villella made the motion to adjourn, Mr. Cashman seconded, and Mayor Wortman declared the meeting adjourned.