

**WARREN CITY COUNCIL
REGULAR MEETING
APRIL 19, 2021 – 7:00 PM**

OPENING OF MEETING

Mayor Cashman presided over the April 19, 2021, regular meeting of Warren City Council in Council Chambers of the Municipal Building and opened the meeting with the Pledge of Allegiance. Mayor Cashman announced that Council met in executive session regarding litigation concerning City-owned property, personnel and Emergency Medical Services matters, and the City Manager's employment agreement immediately prior to this meeting.

ROLL CALL

Members present and responding to roll call were: Mayor Maurice Cashman, Gregory Fraser, Paul Giannini, Philip Gilbert, Douglas Hearn, and John Wortman. Christian Zavinski was absent. Members of City Staff present were Nancy Freenock, City Manager; Vincent DeJoy, Director of Zoning, Codes, and Economic Development; Michael Holtz, DPW Director; Teena Leary, Assistant City Clerk; Joseph Sproveri, Chief of Police; Donna Risinger, Finance Officer; Rodney Wren, Fire Chief; Chad Yuriscic, City Engineer; and Andrea Stapleford, City Solicitor.

APPROVAL OF MINUTES

Upon motion by Mr. Fraser and second by Mr. Gilbert. the minutes of the March 15, 2021, regular meeting were unanimously approved by members present.

Upon motion by Mr. Fraser and second by Mr. Gilbert, the minutes of the April 5, 2021 special meeting were unanimously approved by members present.

RECOGNITION OF VISITORS

Mayor Cashman welcomed all visitors. Present were:

- James Douvlos: Sidewalk Ordinance
- Jim Douvlos: Sidewalk Ordinance
- Lincoln Sokolski: Fourth Avenue Speed Limit
- Bob Sokolski: Fourth Avenue Speed Limit
- Wendy McCain: Observing
- Kim Exley: Observing
- Joe Michaels: Observing
- Josh Cotton: Times Observer Reporter
- Attended via the Zoom internet meeting platform:
 - Jared Villella
 - Brian Hagberg: Your Daily Local Reporter

CORRESPONDENCE

There was no correspondence to come before Council.

AGREEMENT: ALLEGHENY OUTFITTERS PARKING LEASE

Mr. Holtz stated that the City has previously entered into lease agreements with Allegheny Outfitters for the use of two City-owned parcels for the purpose of providing parking for customers, employees, and vendors. According to its terms, the current lease expires on April 30, 2021. A third parcel which is used by Allegheny Outfitters for access to the Allegheny River is also included in the lease agreement.

Mr. Fraser suggested that the lease include language clarifying that the use of a portion of Parcel No. WN-579-165 includes permission to traverse the remainder of the lot for purposes of ingress and egress.

Mr. Wortman made the motion to approve the Allegheny Outfitters Parking lease subject to the addition of language pertaining to (*ingress and egress*) for the leased portion of Parcel No. WN-579-165. The motion was seconded by Mr. Fraser and carried unanimously among the Council members present.

ORDINANCE NO. 1953: FOURTH AVENUE SPEED LIMIT

Chief Sproveri stated that officers of Whirley Industries contacted City personnel in regard to their concern for the safety of employees when crossing Fourth Avenue to reach parking spaces across the street from the plant. Chief Sproveri further stated that he reviewed traffic calming options that the City is permitted to implement and it was determined that the best course of action would be to reduce the speed limit on the portion of Fourth Avenue between Pine Street and Laurel Street from 35 miles per hour to 25 miles per hour. Lincoln Sokolski and Bob Sokolski were present and addressed Council in regard to the request.

Upon motion by Mr. Fraser and second by Mr. Giannini, Council members present voted unanimously to approve the ordinance establishing the speed limit on Fourth Avenue between Laurel Street and Pine Street at 25 miles per hour.

ORDINANCE NO. 1954: OWNER OF REAL PROPERTY RESPONSIBLE FOR SEWER CHARGES

Ms. Stapleford noted that, at the March regular meeting, Council approved an agreement with the Pennsylvania American Water Company (PAWC) regarding water shutoffs for nonpayment of delinquent sewer charges. The City, PAWC, and PA Municipal Service Company (PAMS) are working cooperatively to ensure that the new process for shutoffs is instituted seamlessly.

It was determined that certain portions of Chapter 380 – Sewers and Sewage Disposal of the Code of the City of Warren should be amended in order to avoid confusion as to the terms customer, sewer customer, and delinquent sewer ratepayer. Therefore, it was proposed that all terms related to the party responsible for payment of the sewer charges be amended to read “owner of real property” in Sections 380-14 and 380-22 of the Code.

Upon motion by Mr. Fraser and second by Mr. Wortman, Council members present voted unanimously to approve the ordinance amending Chapter 380 – Sewers and Sewage Disposal, Sections 380-14 and 380-22 of the Code of the City of Warren.

ORDINANCE NO. 1955: SPECIAL EVENT CLEANUP

Mr. Holtz stated that, in recent years, the City has realized an increase in the expense to the City for providing trash collection and cleanup in regard to special events held on City-owned property. The City’s Special Events Committee discussed this concern and, following review by City Staff, it was recommended that language in the City Code be amended to ensure that these added costs are fully recovered from the event organizers so as not to become a burden on taxpayers.

Upon motion by Mr. Fraser and second by Mr. Gilbert, Council members present voted unanimously to approve the ordinance amending Chapter 144 of the Code of the City of Warren as it pertains to Special Events.

RATIFICATION OF TAX COLLECTION COMMITTEE DELEGATE TO WAIVE PENALTIES/FEES

Mrs. Risinger stated that both the Internal Revenue Service and the Pennsylvania Department of Revenue extended the filing deadline for Individual Tax Filings from April 15, 2021, to May 17, 2021. However, there has not been Legislative or Executive action to extend the Local Earned Income Tax filing date to May 17. The Legislature is out of session and the Governor, to date, has not issued an order to extend the deadline to match the Federal and State dates.

Berkheimer, the collection firm for Local Earned Income Tax, stated its concern that the different due dates will cause taxpayer confusion. The Warren County Tax Collection Committee does not have the authority to amend the tax filing deadline; however, in the opinion of the Committee's Solicitor, Section 508 of the Local Tax Enabling Act does allow the Committee to waive penalties, interest, and late fees.

The Tax Collection Committee prepared a resolution which provides a waiver of penalties, interest, and late fees that would otherwise have been incurred for the period of April 16, 2021, to May 17, 2021. In her capacity as the City of Warren's delegate to the Committee, Mrs. Risinger voted in favor of the resolution during a special meeting of the Committee on April 13. Council was asked to ratify her delegate vote.

Mr. Wortman made the motion to ratify Donna Risinger's delegate vote in favor of the Warren County Tax Collection Committee's resolution waiving Local Earned Income Tax penalties, interest, and late fees for the period of April 16, 2021, to May 17, 2021. The motion was seconded by Mr. Hearn and carried unanimously.

LETTERS OF ENGAGEMENT: REAL ESTATE TAX APPEALS

Ms. Stapleford indicated that the County Board of Assessments initiated the retention of legal counsel in regard to real estate tax appeals filed by Ludlow Street, LLC (Days Inn by Wyndham Warren, 210 Ludlow Street) and West of Liberty Apartments (309 Pennsylvania Avenue West). If granted, these appeals would result in a significant annual reduction in tax revenue for each of the taxing bodies in addition to the potential for the appeal to result in a portion of previously-paid taxes being refunded to the appellants. Therefore, it was deemed that the expense of outside legal counsel is warranted. The County Commissioners and the Warren County School Board have each agreed to the terms of the Knox Law Letters of Engagement.

Attorney Michael J. Musone will have primary responsibility for providing the taxing bodies with legal representation. At Ms. Stapleford's request, Attorney Musone researched similar appeals and determined that the City's share (21%) of fees could reasonably be estimated at \$7,000.

Mr. Fraser made the motion to approve Letters of Engagement engaging Knox Law in regard to real estate tax appeals filed by Ludlow Street, LLC, and West of Liberty Apartments with the City of Warren address to be correct to "318 West Third Avenue." The motion was seconded by Mr. Wortman and carried with a unanimous vote by Council members present.

BID AWARD: CRESCENT PARK IMPROVEMENT PROJECT

Mr. Holtz noted that bids for the Crescent Park Improvement Project were first advertised in 2019 and resulted in bids that were significantly over budget. Therefore, the Project specifications were modified and bids were again let in February of this year. The bids came in within budget; however, the plumbing and electrical contracts received only one bid each. Therefore, the Department of Conservation and Natural Resources, which is providing grant funding for the project, requested that the bids be re-advertised.

Bids were opened on April 1, 2021, with multiple bids for the general contractor, plumbing, and electrical contracts. The total of the bids, with alternates, is within budget. The lowest responsible bidders for each contract are as follows:

1. General Contractor	H&K Services, Inc., Leon, NY	\$206,600.00
2. Plumbing Contractor	Fred L. Burns, Shippenville, PA	\$ 33,200.00
3. Electrical Contractor	A&MP Electric, Inc., Guys Mills, PA	<u>\$130,775.00</u>
Total		\$370,575.00

Mr. Wortman made the motion to award the stated contracts for the Crescent Park Improvement Project. The motion was seconded by Mr. Gilbert and carried with a unanimous vote by Council members present.

BID AWARD: 2021 BITUMINOUS PAVEMENT MILLING & RESURFACING PROJECT

Mr. Holtz stated that five bids were received for the City’s 2021 Mill and Overlay Project with the apparent low bidder being IA Construction Corporation of Franklin, PA. Their total bid for base and optional work totals \$354,106.33 which includes 17 City blocks.

IA Construction Corporation’s base bid totals \$248,786.09 The optional bid totals “up to” \$105,320.24. The contract wording of “up to” means that the City has the flexibility to direct the Contractor as to how much of the optional work the City would like to be performed. The proposed street resurfacing list was provided for Council’s consideration.

Mr. Fraser made the motion to award the 2021 Bituminous Mill and Overlay Project to IA Construction in the amount of \$354,106.33 and to confirm the street resurfacing list. The motion was seconded by Mr. Gilbert and carried with a unanimous vote by Council members present.

ORDINANCE NO. 1956: PLACEMENT OF ITEMS ON SIDEWALKS IN C-1 ZONING DISTRICT

Mr. DeJoy noted that City-owned tables and chairs which are placed on the sidewalks along Second Avenue and Pennsylvania Avenue are very popular among the adjoining business owners and those who utilize the furnishings. This seating is for use by the public at large and cannot be reserved. Mr. DeJoy commented that there are annual calls for the City to put the furnishings out before it is reasonably certain that spring weather is here to stay.

It is not within the City’s means to purchase and place additional fixtures; however, local owners have expressed a desire to provide furnishings for placement in front of their place of business at their sole expense. By so doing, they would increase seating opportunities for their patrons and would also provide a means for them to reserve tables for use by their patrons. Jim Douvlos, owner of the Plaza Restaurant, addressed Council and outlined his plans should he be permitted to place additional tables/chairs on the sidewalk in front of his restaurant.

Mr. Wortman made the motion to adopt the ordinance providing for placement of items on sidewalks in the C-1 Central Commercial District. The motion was seconded by Mr. Hearn. The amended motion (*see below*) carried by a unanimous vote of Council members present.

Mr. Wortman made the motion to amend the motion (*above*) by amending Section 4.B (3) to read, “Any tables and/or chairs so placed shall be purchased by the owner or operator of the business and shall be similar to any such furnishings purchased and placed on sidewalks by the City with the tables and/or chairs purchased to be approved by the DPW Director.” The motion was seconded by Mr. Fraser and carried by a unanimous vote of Council members present.

AUTHORIZATION RE LETTER OF APPROVAL TO PA LIQUOR CONTROL BOARD - DOUVLOS

Mr. DeJoy stated that James Douvlos, owner of the Plaza Restaurant, is one of the business owners who wish to place tables and chairs on the sidewalk. Mr. Douvlos indicated that he will make application to the Pennsylvania Liquor Control Board to be permitted to serve alcohol to patrons seated at tables purchased by his business. As part of the application, it is required that a letter stating that the City authorizes such use of the specified tables be submitted.

Mr. Wortman made the motion to authorize the City Manager to submit a Letter of Approval to the Pennsylvania Liquor Control Board stating that the Plaza Restaurant/James Douvlos would be authorized to serve alcohol to patrons seated at outdoor seating provided by him in accord with PLCB regulations. The motion was seconded by Mr. Fraser and carried by a unanimous vote of Council members present.

AUTHORIZATION TO PROCEED WITH LITIGATION RE EJECTMENT 423 RANKIN AVENUE

Mr. Wortman made the motion to proceed with litigation for ejectment of an occupant of 423 Rankin Street. The motion was seconded by Mr. Fraser and carried by a unanimous vote of Council members present.

EXTENSION OF CITY MANAGER’S EMPLOYMENT AGREEMENT

Mr. Wortman made the motion to enter into an agreement between the City and Nancy K. Freenock for a two-year extension of her employment contract through December 31, 2024. The motion was seconded by Mr. Fraser and carried by a unanimous vote of Council members present.

DEPARTMENT REPORTS – MARCH, 2021

The following reports were presented for Council's review:

- Police Department
- Fire Department
- Department of Public Works
- Zoning, Codes, and Economic Development

APPROVED MINUTES OF BOARDS AND COMMISSIONS

Council acknowledged receipt of the following approved minutes:

Parks and Recreation Commission	– February 2, 2021	Regular Meeting
Planning Commission	– February 17, 2021	Regular Meeting
	– March 3, 2021	Special Meeting
Redevelopment Authority	– February 24, 2021	Regular Meeting
Street Landscape Committee	– February 23, 2021	Regular Meeting

ADJOURNMENT

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