

**WARREN CITY COUNCIL
REGULAR MEETING
MAY 16, 2022 – 7:00 PM**

OPENING OF MEETING

Mayor Wortman participated in the meeting via Zoom; therefore, John Wortman, Council Vice-President presided over the May 16, 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

Mr. J. Wortman announced that on May 11, 2022, Council met in executive session regarding personnel matters.

ROLL CALL

Members present and responding to roll call were: Mayor David Wortman (via Zoom), Maurice Cashman, Philip Gilbert, Joe Michaels, Jared Villella, and John Wortman; Wendy McCain was absent. Members of City Staff present were Nancy Freenock, City Manager (via Zoom); Jessica Byler, Acting Finance Officer; Michael Holtz, DPW Director; David Krogler, Fire Chief; Teena Leary, Assistant City Clerk; Joseph Sproveri, Chief of Police; and Chad Yurisc, City Engineer.

APPROVAL OF THE AGENDA

Mr. Cashman made the motion to approve the meeting agenda as presented. The motion was seconded by Mr. Gilbert and carried unanimously among the six members present.

APPROVAL OF MINUTES

Upon motion by Mr. Cashman and second by Mr. Gilbert, the minutes of the April 18, 2022, regular meeting were unanimously approved by the six members present.

RECOGNITION OF VISITORS

Mr. J. Wortman welcomed all visitors. Present were:

- Doug James: Warren Pickleball Club
- Kim Mong: Warren Pickleball Club
- Jon Marti: Warren Pickleball Club
- Barb Zawacki: Warren Pickleball Club
- Tom Christie: PLCB License Extension for Sidewalk Sales
- Pat Evans: In support of Tom Christie's request
- Kelley Coey: Via Zoom
- Jane Dunshie: Via Zoom
- Josh Cotton: Times Observer Reporter
- Andy Close: YourDailyLocal Reporter

CORRESPONDENCE

Letter of Resignation: Council member Joe Michaels submitted a notice of his intent to resign from Council effective July 31, 2022; July 18 will be the last regular meeting of Council that he will attend.

ORDINANCE NO. 1962: REQUIRING DRAM SHOP CERTIFICATE OF INSURANCE

Mrs. Leary stated that Erik Pearson, of the Calvert-Pearson Insurance Agency, recently advised the City that in order to provide protection from potential liability, the City should be named as "Also Insured" on the Dram Shop Insurance held by the owner of any establishment serving alcohol upon City sidewalks within the C-1 Central Commercial District as provided for in the City Code. Therefore, an ordinance providing for such was drafted for Council's consideration.

Mr. Cashman made the motion to adopt the ordinance requiring a Dram Shop Certificate of Insurance for Sidewalk Alcohol Sales in the C-1 Central Commercial District. The motion was seconded by Mr. Gilbert and carried unanimously among the six members present.

LETTER OF CONFIRMATION; CHRISTIE’S DOWNTOWN PUB & GRILL ALCOHOL SERVICE

Mr. Holtz 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 their patrons and such seating may be reserved for the sole use of its patrons. The ordinance includes a provision regarding the width of the pedestrian walkway that must be maintained without obstruction. 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 aforementioned seating.

Tom Christie, of Christie’s Downtown Pub & Grille, submitted a letter in which he stated his intent to submit an application to the PA Liquor Control Board for an extension of premises license to extend the service of alcohol to the area directly in front of the currently licensed premises. The PLCB requires that a letter of permission from the City be included in the application package. A letter was drafted and provided for Council’s consideration.

Mr. Villella made the motion to authorize submission of a letter of permission for Christie’s Downtown Pub & Grille to conduct sales upon the sidewalk directly in front of its place of business in accord with PLCB regulations and City Ordinance No. 1956. The motion was seconded by Mr. Michaels and carried unanimously among the six members present.

AGREEMENT: FISH AND BOAT COMMISSION GRANT FUNDING

Mr. Yurisc stated that on April 26, the City received notice that the Fish and Boat Commission awarded a Boating Facility Grant in the amount of \$95,000 for the Breezpoint Landing Boat Ramp Project. Under the terms of the award, these funds are to be utilized for survey and engineering work related to development of the final project design. It is now required that the City enter into an agreement with the Commission in regard to the use of funds and administration of the grant award.

Mr. Cashman made the motion to authorize the agreement with the Fish and Boat Commission for the Breezpoint Landing Boat Ramp Project funding award and to authorize the Mayor and City Manager to sign the Agreement. The motion was seconded by Mr. Villella.

Mr. Villella made a motion to accept the above motion be unanimous consent. The motion was seconded by Mr. Michaels and carried unanimously among the six members present.

AGREEMENT: EMERGENCYCARE JOINT BILLING

Chief Krogler indicated that City personnel provide Emergency Medical Services (EMS) at the Basic Life Support (BLS) level and EmergencyCare, Inc. provides EMS at the Advanced Life Support (ALS) level. There are varying circumstances under which both agencies may respond to a call and provide pre-hospital services; therefore, it is necessary that there be an agreement which provides for the manner in which billing for such calls is to be handled.

The City and EmergencyCare have operated under prior agreements since 2014 and it is now necessary to enter into a new agreement. The proposed agreement provides for a three-year term effective January 1, 2021, thru December 31, 2023, unless terminated by either party with 90 days written notice.

Mr. Villella made the motion to enter into a Joint Billing Agreement with EmergencyCare. The motion was seconded by Mr. Cashman and carried unanimously among the six members present.

ORDINANCE NO. 1963: AMBULANCE LOAN FUNDING LGUDA FILING

Chief Krogler stated that, as Council was advised at its April 18, 2022, regular meeting, the City was awarded a United States Department of Agriculture grant/loan to finance the recently acquired ambulance. The ambulance was previously paid for in full, therefore, the loan proceeds will be immediately repaid to the USDA. However, the City is required to complete a Local Government Unit Debt Act (LGUDA) filing.

Therefore, a proposed ordinance increasing the City's indebtedness and corresponding note were drafted and advertised; these items will be submitted to the Department of Community and Economic Development (DCED) upon adoption by Council.

Mr. Cashman made the motion to adopt the ordinance increasing the indebtedness of the City of Warren and the issuance of a General Obligation Note in the amount of \$177,700 to the United States Department of Agriculture (USDA). The motion was seconded by Mr. Villella and carried unanimously among the six members present.

ORDINANCE NO. 1964: DISABILITY PARKING SPACES

Chief Sproveri stated that, on behalf of the Holy Redeemer Church, Greg Danielson requested that the City designate two parking spaces on Russell Street for disability parking. Mike Holtz, DPW Director, and he met with Mr. Danielson on-site and determined that it would be appropriate to designate two Russell Street parking spaces to be located between the ingress and egress of the Church dropoff area for disability parking.

Mr. Cashman made the motion to adopt the ordinance establishing two disability parking spaces on Russell Street. The motion was seconded by Mr. Villella and carried unanimously among the six members present.

PROPOSED ORDINANCE: AMMUNITION MANUFACTURING AND ARSENALS

Mrs. Leary noted that, at the January 17, 2022, regular meeting, Council voted to request the Planning Commission to review Chapter 470. Zoning, Article VIII. General Controls, §470-45 Prohibited Uses, Subsection (4) which prohibits commercial ammunition manufacturing or wholesale storage of ammunition and Subsection (6) which prohibits arsenals and to provide its recommendation(s) to Council.

During its regular meeting on April 20, the Planning Commission reviewed the above and voted to make the following recommendations to Council for further consideration:

Permit the manufacturing and storage of ammunition in the City of Warren by Special Exception, as provided for in the Pennsylvania Municipalities Planning Code, with the following controls:

1. Use should be limited to Industrial areas; and
2. Use shall not be located within 500 feet of a residentially-zoned area, school, daycare, park, place of worship, or commercial lodging; and
3. Owner shall install signs indicating that flammable powders are stored on site; and
4. Owner shall install a hardwired smoke/fire alarm system linked to a central monitoring station; and
5. Owner shall provide local fire department with a floor plan to allow firefighters to access the building as needed; and
6. Owner shall comply will all applicable state and federal requirements.

In addition, the Commission determined that the definition of an arsenal is too vague for enforcement and, therefore, recommended that it be removed from the City Code.

The process for further review and possible enactment of an ordinance was outlined for Council's information.

Mr. Michaels made the motion to direct that an ordinance amending Chapter 47. Zoning, Article VIII. General Controls, §470-45 Prohibited Uses, Subsections (4) and (6) of the City Code be drafted and that such be referred to the Planning Commission. The motion was seconded by Mr. Villella and carried unanimously among the six members present.

BID AWARD: 2022 BITUMINOUS PAVEMENT MILLING & RESURFACING PROJECT

Mr. Holtz stated that two bids and one declination letter were received for the City's 2022 Mill and Overlay Project. The apparent low bidder was IA Construction Corporation, of Franklin, PA. IA's bid for the base and optional work totals \$585,873.45. This amount would mill and overlay twenty (20) City blocks.

Mr. Holtz explained that IA's base bid is \$361,239.00 and the optional bid totals "up to" \$224,634.45; the City has the flexibility to direct the Contractor as to how much of the optional work is to be performed. He further explained that the 2022 Mill and Overlay Budget allocated \$470,000.00 which utilizes \$280,000.00 in State Liquid Fuels funds and \$190,000.00 from the City's General Fund.

Mr. Holtz stated that the City's current balance for the State Liquid Fuels Funds is \$419,547.76. Approval of the entire contract would leave a balance of \$23,674.31 in the State Liquid Fuels Fund. Historically, the City has maintained a balance of \$100,000 in the Liquid Fuels Fund. Therefore, it was recommended that two (2) blocks of Hill and Monroe Streets be paved in 2023; this would leave a balance of \$123,568.77 in the Liquid Fuels account.

Mr. Cashman made the motion to award the 2022 Bituminous Mill and Overlay Project to IA Construction in the amount of \$361,239.00 and three (3) optional streets* included in the additional work at a cost of \$124,739.99 for a total of \$485,978.99. The motion was seconded by Mr. Villella and carried unanimously among the six members present.

* (1) Fourth Avenue: Beech Street to Chestnut Street, (2) Glade Avenue: Nesmith Place to Hill Street, and (3) Terrace Street: Orchard Street to Lookout Street

WARREN PICKLEBALL CLUB REQUEST

Mr. Holtz stated that, on May 10, members of City Staff met with representatives of the Warren Pickleball Club (WPC) to discuss the terms of an agreement pertaining to the Club's construction of pickleball courts at Betts Park. In the course of the discussion, WPC requested that:

1. Council consider paying legal fees which are to include the Solicitor's opinion regarding the legality of leasing a portion of Clifford R. Betts Park to WPC during the period of construction and the Solicitor's review of the pickleball court construction agreement; and that
2. Council consider paying engineering fees related to review of the plans for the pickleball courts and amenities as well as the Engineer's inspections during and following construction.

It was stated that, should Council agree, the above-listed items would be provided by the City in an amount not to exceed \$7500 for the legal and engineering fees combined. It was noted that such fees are not included in the 2022 Municipal Budget.

Council members discussed the request; however, no action was taken.

EAGLES CREST LETTER OF SUPPORT

Mrs. Leary stated that, as discussed at the April 18 City Council meeting, the Hudson Companies is preparing to submit an application for the next round of Pennsylvania Housing Finance Agency (PHFA) tax credit funding for its Eagles Crest Project. Therefore, Hudson requested that the Mayor provide a letter indicating Council’s support for the project. A proposed letter of support was drafted for Council’s consideration.

Mr. Cashman made the motion to authorize submission of a letter in support of the Hudson Companies’ Eagles Crest Project. The motion was seconded by Mr. Villella and carried unanimously among the six members present.

JUNIOR COUNCIL MEMBER SELECTION COMMITTEE

Mayor Wortman appointed Mr. Villella, Mr. Cashman, and Mr. Michaels to serve on a review committee in regard to the selection of a Junior Council member for the 2022-2023 school year.

MUTUAL RELEASE AND SETTLEMENT AGREEMENT: NANCY K. FREENOCK

Mr. J. Wortman read a letter from Nancy K. Freenock, City Manager, stating her intent to retire effective August 22, 2022.

Mr. Cashman made the motion to accept Mrs. Freenock’s notice of retirement and to approve the Mutual Release and Settlement agreement between Nancy K. Freenock and the City. The motion was seconded by Mr. Villella and carried unanimously among the six members present.

MARKETING COMMITTEE UPDATE

Mr. Villella noted that the Committee continues to discuss the possibility of posting meeting recordings on the City website and noted progress on the citizen/business survey.

DEPARTMENT REPORTS – APRIL, 2022

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	–	February 17, 2022	Regular Meeting
Parks and Recreation Commission	–	February 1, 2022	Regular Meeting
Planning Commission	–	March 16, 2022	Regular Meeting
Redevelopment Authority	–	March 23, 2022	Regular Meeting
Street Landscape Committee	–	March 22, 2022	Regular Meeting

ADJOURNMENT

There being no further business to come before Council, Mr. J. Wortman declared the meeting adjourned.