

**WARREN CITY COUNCIL
REGULAR MEETING
JULY 17, 2023 – 7:00 PM**

Corrected

OPENING OF MEETING

Mayor David Wortman presided over the July 17, 2023, regular meeting of Warren City Council in Council Chambers of the Municipal Building and opened the meeting with the Pledge of Allegiance.

MAYOR'S THANK YOU STATEMENT: FUGITIVE CAPTURE

Mayor Wortman read a letter thanking local, regional, and national law enforcement agencies who contributed to bringing the search for Michael Burham (escapee from the Warren County Prison) to a swift and safe conclusion. The role played by residents through their vigilance and cooperation and media outlets' efforts to ensure that residents were provided with up-to-date information were also acknowledged.

ROLL CALL

Members present and responding to roll call were: Mayor David Wortman, Maurice Cashman, Danielle Flasher, Philip Gilbert, Wendy McCain, Jared Villella, and John Wortman. Junior Council Member Lydia Balas was absent. Members of City Staff present were Michael Holtz, City Manager; Jessica Byler, Finance Officer; David Krogler, Fire Chief; Teena Leary, Assistant City Clerk; Randall Rossey, Codes and Planning Director; Joseph Sproveri, Chief of Police; Darren Pike, City Engineer; and Andrea Stapleford, City Solicitor.

POLICE OFFICER COMMENDATIONS

Mayor Wortman presented Certificates of Commendation to Patrolman Wade Suppa and Patrolman Tyler Wagner for their actions when dispatched to the Glade Bridge for a report of an individual experiencing a mental health crisis. The officers' tactics and teamwork resulted in the call ending with a positive outcome. Mayor Wortman stated that the officers' actions and their service and dedication to the City of Warren Police Department and the citizens it serves are commendable and greatly appreciated.

RECOGNITION OF VISITORS

Mayor Wortman welcomed all visitors. Present were:

- Kelley Coey: Hudson Companies
- Ronald McCall: Hudson Companies
- Phil Caudill: Hudson Project
- Troy Wagner: Police Commendation
- Kevin Sheldon: Hudson Project
- Rod Hoffman: Observing
- Sarah Suppa: Police Commendation
- John Barbera: Observing
- John Suppa: Police Commendation
- Dick Balas: Observing
- Adam Meneo: Lacy Park Phase III
- Wade Suppa: Police Commendation
- Gary Doolittle: Police Commendation
- Brenda Brohn: Hudson Project
- Josh Cotton, Times Observer Reporter
- Anne Wagner: Police Commendation
- Randy Gustafson: Lacy Park Phase III
- Tonya Mitchell Weston: Hudson Project
- Emily Wagner: Police Commendation
- Jennifer Phillips: Hudson Project
- Laura Suppa: Police Commendation
- Adrian Suppa: Police Commendation
- Tom Kibbey: Police Commendation
- Tyler Wagner: Police Commendation
- Capt. Jeff Dougherty: Police Commendation
- Belinda Bohn: Hudson Project
- Sherry Johnson: Hudson Project
- Kim Angove: Hudson Project
- Andy Close, YourDailyLocal Reporter

APPROVAL OF THE AGENDA

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

APPROVAL OF MINUTES

Mr. J. Wortman made the motion to approve the minutes of the June 19, 2023 regular meeting with the following correction: "Under Discussion: Hudson Companies Staging Area Lease Agreement, strike 'There was no second to the motion' and add Mr. J. Wortman asked for a point of parliamentary inquiry regarding the appropriateness of a motion to rescind. The Council Parliamentarian ruled the motion was not appropriate." The motion was seconded by Mr. Cashman and carried unanimously.

CORRESPONDENCE

There was no correspondence to come before Council.

PRESENTATION: LACY PARK PHASE III

Rotary Club members Adam Meneo and Randy Gustafson provided an overview of the Club's plans for a Phase III Project at the Lacy Park Multi-Sensory Playground. Components of the Phase III Project include installation of a shade sail, a communication board for those who are nonverbal, a butterfly garden, and a one-quarter mile track around the park. Mr. Meneo stated that the plans were previously presented to the Parks, Recreation, and Landscape Committee and received its approval. Mr. Meneo indicated that cost estimates are being prepared and once those are available, funding for the project will be addressed.

SOLICITOR'S OPINION: MOTION TO RESCIND THE HUDSON COMPANIES STAGING AREA LEASE AGREEMENT

Mrs. Stapleford stated that, in response to questions and comments from members of City Council and the public, she reviewed Robert's Rules of Order as they pertain to a motion to rescind. In the current matter, the question was whether Council may vote to rescind the agreement dated March 20, 2023, by and between the City of Warren and The Hudson Companies and which pertains to the lease of City-owned property for use as a staging area(s) during construction of the Eagles Crest (PA Senior Housing Associates, LP) project.

She quoted the section of Robert's Rules which states, "The motion to rescind can be applied to votes on all main motions, including questions of privilege and orders of the day that have been acted upon, and to votes on an appeal, with the following exceptions: votes cannot be rescinded after something has been done as a result of that vote that the assembly cannot undo; or where it is in the nature of a contract and the other party is informed of the fact;"

Mrs. Stapleford stated that, as Solicitor for the City of Warren, it is her opinion that the agreement constitutes a contract which has been executed by both parties and, therefore, a motion to rescind is not applicable or appropriate.

Mrs. McCain made the motion "to terminate the Hudson Staging Lease agreement with 30-day notice per page (*section*) 4.d. of the agreement which states [either party may terminate this agreement by providing 30 days' written notice to the other party at the address first (*written*) herein.]" Mr. Gilbert seconded the motion. Mr. J. Wortman stated his objection to the motion to rescind as a matter of procedure and further objected to the motion to terminate as it was not on the meeting agenda and, as such, a vote would be in violation of the Pennsylvania Sunshine Act. Mrs. Stapleford concurred that a vote on the motion would be in violation of the Act. No vote was taken.

PUBLIC COMMENT

~~Phil Caudill, of Bent Run Brewing, presented an additional seven pages of signatures to the petition captioned “I am in strong opposition to the ‘Eagles Crest’ project as it is currently being proposed. I am against demolition of a historic property and constructing a residential apartment building, in its place, on the main street of downtown.” (see June 17, 2023 minutes) Mr. Caudill also requested that videos of City Council meetings posted to the City website remain in place beyond the date of the next regular Council meeting.~~

~~Kim Angove, Dick Balas, and Kevin Sheldon addressed Council in regard to the Hudson Companies and PA Senior Housing Associates’ Eagles Crest Project. Tanya Mitchell Weston (Warren County Housing Authority *President and CEO*) stated her opinion that market studies do not support the need for additional senior housing within Warren County. *Corrected 8/21/2023*~~

~~Kelley Coey, Hudson Companies Director of Development, stated that market studies completed prior to Hudson Companies’ first application for PA Housing Finance Agency (PHFA) funding indicated that there is a need for such housing. She stated that there are different eligibility requirements for facilities under the direction of the Housing Authority and facilities funded by tax credit financing.~~

The following visitors addressed Council:

- Phil Caudill (Bent Run Brewing) re petition regarding Hudson Companies’ Eagles Crest project and requested that Council meeting video recordings remain online*
- Kim Angove re undeveloped Breezepoint Townhome pad*
- Dick Balas re parking concerns*
- Kevin Sheldon in opposition to Hudson Companies’ Eagles Crest project and parking lease agreement*
- Tanya Mitchell Weston (Warren County Housing Authority President and CEO) in opposition to Hudson Companies’ Eagles Crest project*
- Kelley Coey (Hudson Companies Director of Development) re Hudson Companies’ Eagles Crest project*

PA SENIOR HOUSING ASSOCIATES HOUSING PROJECT DOCUMENTS

Mr. Holtz stated that PA Senior Housing Associates (PSHA) is awaiting a final determination regarding the Section 106 hearing conducted earlier this year. In order to have all required documentation in place for closing on its financing once the Section 106 ruling is handed down, PSHA requested that Council consider four items.

Ms. Coey and Ronald McCall, attorney for The Hudson Companies/PA Senior Housing Associates, LP, addressed Council and stated that the requested documents are required as part of the title commitment and finance closing processes. The documents are contingent upon a favorable ruling in regard to the Section 106 Conference. Mr. McCall indicated that the documents provide financial protection for the City and are required under the PA Municipalities Planning Code.

1. Developer’s Agreement.

This agreement provides for storm sewer improvements, paving of the existing alleyway located to the south of the PSHA property as well as the area between the existing road surface and the parking garage, certain modifications to the parking garage and access to the parking garage to the south of the PSHA property, and sidewalk repairs along Liberty Street.

Mr. Wortman made the motion to approve the proposed Developer’s Agreement contingent upon a favorable Section 106 ruling. Mr. Cashman seconded the motion. The motion was subsequently withdrawn.

Mrs. McCain made the motion to amend Mr. J. Wortman's motion to postpone any vote until the Section 106 consultation process is complete as federally required. The motion was seconded by Mr. Gilbert and failed with five nay votes and two affirmative votes cast by Mrs. McCain and Mr. Gilbert.

Mr. J. Wortman made the motion to approve the proposed Developer's Agreement contingent upon approval of PHFA (PA Housing Finance Agency) financing. The motion was seconded by Mr. Cashman and carried with five votes in the affirmative and two nay votes cast by Mrs. McCain and Mr. Gilbert.

2. **Stormwater Operation and Maintenance Agreement**

In accord with Chapter 405 of the City Code (Stormwater Management), any project which involves the alteration or development of land in a manner that may affect stormwater runoff must submit a Stormwater Management (SWM) Site Plan and Report; both are subject to review by the City Engineer. Upon approval of the SWM Site Plan and Report, it is required that the developer and the City enter into a Stormwater Operation and Maintenance Agreement. This agreement will be recorded at the Warren County Office of the Recorder of Deeds and will be a covenant running with the property and shall be binding upon the landowner and any other successors in interest in perpetuity.

It was noted that a "Review Fee Reimbursement Agreement" was previously executed by the City and Hudson. This agreement memorializes PSHA/Hudson's obligation to reimburse the City for certain expenses incurred during the Stormwater Management Site Plan and Report review as provided for in Chapter 405 of the Code and in accord with the City's schedule of fees (Resolution No. 3225). This agreement does not provide for any obligations on the part of the City.

Mr. J. Wortman made the motion to approve the Stormwater Operation and Maintenance Agreement contingent upon approval of PHFA financing. The motion was seconded by Mr. Villella and carried with five votes in the affirmative and two nay votes cast by Mrs. McCain and Mr. Gilbert.

Prior to the vote on Mr. Wortman's motion, Mrs. McCain made the motion to postpone the motion on the agenda until the Section 106 consultation process is complete as federally required. The motion did not receive a second.

3. **Temporary Construction Easement & Perpetual Easements Agreement**

In accord with the Developer's Agreement, PSHA/Hudson will make certain improvements to, and below, the alley located between the project site and the City parking garage and, therefore, a temporary construction easement is required. In addition, perpetual easements pertaining to warning signs; ingress, egress, and regress over the portion of the alley in common with the City and the public; and a stormwater pipe are required.

Mr. J. Wortman made the motion to approve the Agreement for Temporary Construction Easement and Perpetual Easements contingent upon approval of PHFA

Financing. The motion was seconded by Miss Flasher and carried with five votes in the affirmative and two nay votes cast by Mrs. McCain and Mr. Gilbert.

Prior to the vote on Mr. Wortman's motion, Mrs. McCain made the motion to postpone this vote until the Section 106 consultation process is complete as federally required. The motion did not receive a second.

4. **Memorandum of Parking Space Lease & Easement Agreement**

This document is required by PHSA's title insurance company and affirms that documents which were previously approved by City Council and executed by all parties are in place.

Mr. J. Wortman made the motion to authorize the Mayor to sign the Memorandum of Parking Space Lease and Easement Agreement contingent upon approval of PHFA financing. The motion was seconded by Miss Flasher and carried with five votes in the affirmative and two nay votes cast by Mrs. McCain and Mr. Gilbert.

Prior to the vote on Mr. Wortman's motion, Mrs. McCain made the motion to postpone this item until the Section 106 consultation process is complete as federally required. The motion did not receive a second.

AGREEMENT: GLADE TOWNSHIP EMERGENCY MEDICAL SERVICES

Chief Krogler stated that the Glade Township Supervisors contacted the City with a request to enter into an agreement for the provision of Emergency Medical Services (EMS) by the City Fire Department on an as-needed basis. An agreement with language meeting their request in a format similar to the Multi-Municipal Emergency Services Commission Agreement (December 12, 2022) was drafted for Council's consideration.

Upon motion by Mr. Villella and second by Miss Flasher, Council members voted unanimously to approve the agreement with Glade Township for the provision of Emergency Medical Services.

QUIT CLAIM OIL AND GAS LEASE AND BILL OF SALE

Mr. Holtz stated that, in 2008, the City entered into assignments and extensions with Homeland Energy Ventures, LLC, and Stonehaven Energy, LLC, for oil and gas interests on the City's properties located at the DPW Garage and the Wastewater Treatment Plant. The primary terms of the assignments expired and not all of the well sites provided for under the assignments were drilled. Also, oil and gas were not being produced in paying quantities, and the wells were not produced for a period in excess of one year. Therefore, the City filed a Forfeiture of Oil and Gas Lease and Affidavit of Nonproduction on March 3, 2023.

Homeland Energy, LLC, and Stonehaven Energy, LLC, now by acquisition known as Legacy Resources, LLC, assigned its interests under the assignment to J & D Adventures, LLC. Mr. Holtz indicated that the City approves of the assignment and the proposed Quit Claim Assignment of Oil and Gas Lease and Bill of Sale would formalize assignment of the rights and obligations under the assignments to J & D Adventures, LLC.

Mr. J. Wortman made the motion to approve the Quit Claim Assignment of Oil and Gas Lease and Bill of Sale to J & D Adventures, LLC. The motion was seconded by Mr. Villella and carried unanimously.

PUBLIC HEARING DATE: PROPOSED WIRELESS COMMUNICATION FACILITIES ORDINANCE

Mrs. Leary stated that, at the June 19 meeting, this evening was established as the date for a public hearing in regard to the proposed Wireless Communications Facilities Ordinance. Notice of a public hearing in regard to an amendment to the Zoning Ordinance must be published in a newspaper of general circulation not less than seven days prior to the hearing; this publication deadline was not met. Therefore, it was requested that Council establish Monday, August 21, 2023, at 7:00 PM as the date and time for the required public hearing.

Miss Flasher made the motion to set August 21, 2023, at 7:00 PM as the date and time for a public hearing in regard to the proposed Wireless Communications Facilities Ordinance. The motion was seconded by Mr. Villella and carried unanimously.

MARKETING COMMITTEE UPDATE

Mr. Villella provided an overview of data pertaining to the City’s Facebook page as well as the online recording of the June 19 Council meeting. There was considerable discussion regarding the length of time that recordings remain online. Mayor Wortman asked that the Committee continue to review the matter and that it be placed on the Council agenda once it has been fully evaluated.

TRESTLE TO TRESTLE UPDATE

Mrs. McCain reported that the group is continuing work on the riverfront project and fundraising. Mrs. McCain asked that future updates regarding the Riverfront Redevelopment Project be provided by the City.

MISCELLANEOUS

Mr. J. Wortman stated that beginning in September he will be unable to participate as a Council representative on the Zoning Review Committee and asked that the Mayor consider appointing another member to serve in his place.

DEPARTMENT REPORTS – JUNE, 2023

The following reports were provided for Council’s review:

- Police Department
- Fire Department
- Department of Public Works
- Codes and Planning Department
- Finance Report – Second Quarter

Miss Flasher read a prepared statement expressing gratitude for the City of Warren Police Department’s rapid response and its relentless efforts in the recent capture of Michael Burham.

APPROVED MINUTES OF BOARDS AND COMMISSIONS

Council acknowledged receipt of the following approved minutes:

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|--|---|--------------|-----------------|
| Blighted Property Review Committee | – | May 18, 2023 | Regular Meeting |
| Parks, Recreation & Landscape Commission | – | May 23, 2023 | Regular Meeting |
| Redevelopment Authority | – | May 24, 2023 | Regular Meeting |

ADJOURNMENT

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