

**WARREN CITY COUNCIL
REGULAR MEETING
OCTOBER 19, 2020 – 7:00 PM**

PUBLIC HEARING: FFY 2020 CDBG APPLICATION

Mayor Cashman opened the public hearing. Mr. Hildebrand stated that City staff proposes the submission of an application to the Pennsylvania Department of Community and Economic Development under the Small Communities Program (SCP) for \$306,049 in FFY 2020 Entitlement Funds. These funds are available for community development activities which will benefit low- and moderate-income (LMI) persons, address slums or conditions of blight, or meet a community development need of particular urgency. At least 70 percent of such funds must be spent on activities benefitting low- and moderate-income persons.

The proposed use of the funding is for:

1. Improvements on South Irvine Street under the Street/Road Improvements Activity; and
2. Elimination of slum and blight on an area basis within the designated downtown redevelopment area (Streetscape I Project loan payment) under the Public/Community Facilities Activity (CDBG).

Mr. Hildebrand noted that this was the second of two public hearings which the program guidelines require to be held prior to requesting City Council's approval of the grant application submission. The first public hearing was held on July 31, 2020, at 10:00 AM in Council Chambers. There being no resident wishing to provide comment, Mayor Cashman declared the hearing closed.

OPENING OF MEETING

Mayor Cashman presided over the October 19, 2020, regular meeting of Warren City Council in Council Chambers of the Municipal Building and opened the meeting with the Pledge of Allegiance. Mayor Council announced that Council met in Executive Session on September 29, 2020 for discussion of property issues.

ROLL CALL

Members present and responding to roll call were: Mayor Maurice Cashman, Gregory Fraser (via Zoom), Paul Giannini (via Zoom), Philip Gilbert, Douglas Hearn, John Wortman, and Christian Zavinski. Members of City Staff present were Nancy Freenock, City Manager; David Hildebrand, Planner/Development Administrator; 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. Wortman, the minutes of the September 21, 2020, Regular Meeting were unanimously approved.

RECOGNITION OF VISITORS

Mayor Cashman welcomed all visitors. Present were:

- Gregg Triskett: Observing
- Andy Close: Your Daily Local
- Piper VanOrd: Observing
- Jane Dunshie: Proposed Hotel Development
- Pat Evans: Proposed Hotel Development
- Gary Candreia: Proposed Hotel Development
- Michael Lyon: Observing
- Josh Cotton: Times Observer Reporter

Jane Dunshie addressed City Council and stated her concerns regarding the proposed hotel development. Mrs. Dunshie noted that she resides in the apartment building located at 309 Pennsylvania Avenue West which overlooks Breeze Point Landing and the Allegheny Riverfront.

Pat Evans addressed Council and noted that while she is not a resident of the City of Warren, she is opposed to hotel development in the proposed location. She discouraged “development for the sake of development” and encouraged Council to consider maintaining the existing riverfront views. Ms. Evans suggested that there may be other viable locations for a hotel and further suggested that it should be a “luxury hotel.”

Michael Lyon questioned when a public meeting for discussion of the proposed development might be held. Mrs. Freenock responded that the developer has indicated that he will not participate in a public meeting until such time as he has sufficient information to determine that the project is, indeed, viable at the proposed location.

CORRESPONDENCE

There was no correspondence to come before Council.

RESOLUTION NO. 3127: AUTHORIZING FFY 2020 CDBG FUNDING APPLICATION

Mr. Hildebrand indicated that, as stated during the public hearing held immediately prior to this meeting, it is proposed that a funding application in the amount of \$306,049 be submitted to the Pennsylvania Department of Community and Economic Development Small Communities Program. The proposed use of the funding is for:

1. Improvements on South Irvine Street under the Street/Road Improvements Activity; and
2. Elimination of slum and blight on an area basis within the designated downtown redevelopment area (Streetscape I Project loan payment) under the Public/Community Facilities Activity (CDBG).

Upon motion by Mr. Wortman and second by Mr. Hearn, Council members voted unanimously to approve the resolution authorizing submission of the FFY 2020 Community Development Block Grant funding application.

RESOLUTION NO. 3128: FAIR HOUSING

Mr. Hildebrand stated that City staff prepared a Fair Housing Resolution in accord with requirements of the Pennsylvania Department of Community and Economic Development's (DCED) Community Development Block Grant (CDBG) program.

Mr. Wortman made the motion to include “gender identity” and “sexual orientation” as protected characteristics. The motion was seconded by Mr. Fraser and carried unanimously.

Mr. Wortman made the motion to approve the Fair Housing Resolution, as amended. The motion was seconded by Mr. Hearn and carried unanimously.

AGREEMENT: CONEWANGO TOWNSHIP TERMINATION OF BUILDING PERMIT AND UNIFORM CONSTRUCTION CODE SERVICES AGREEMENT

Mrs. Freenock stated that the City previously notified all municipalities with which it had entered into agreements that the City wished to terminate the agreements for the provision of Building Permit and Uniform Construction Code Inspection Services. All municipalities were amenable to the early termination and the City is in the process of closing out permits and transferring records to the municipalities.

Mrs. Freenock indicated that Conewango Township took the course of drafting an agreement which documents the conditions under which it will accept the early termination and provides for the transfer of records to the Township.

Upon motion by Mr. Fraser and second by Mr. Zavinski, Council members voted unanimously to approve the termination agreement with Conewango Township.

RESOLUTION NO. 3129: KEYBANK MUNICIPAL DEPOSIT

Mrs. Risinger stated that from time-to-time, it is necessary for the City to make refunds in regard to parking fines. Therefore, an account for this purpose was established at KeyBank. Council enacted a Municipal Deposit Resolution providing authorization for establishment of the account. Two signatures are required on all checks written with one signature being from a signatory within the Administration Department and one being from a signatory within the Police Department. Following Police Chief Deppen’s resignation, it is required that the signatories be updated.

Upon motion by Mr. Wortman and second by Mr. Zavinski, Council members voted unanimously to approve the resolution designating signatories for the KeyBank Municipal Account.

RESOLUTION NO. 3130: DISTRIBUTION OF STATE AID TO PENSION PLANS

Mrs. Risinger stated that, in accord with the provisions of Act 205, the City must distribute the Commonwealth’s 2020 Allocation of State Aid to Pension Plans among the City’s three plans. The allocation for 2020 is in the amount of \$482,535.66. Accordingly, it was recommended that the allocation be distributed as follows:

Firefighters Pension Plan	196,953.33
Police Pension Plan	147,715.00
Municipal Employee Pension Plan	<u>137,867.33</u>
Total Allocation	\$482,535.66

Upon motion by Mr. Fraser and second by Mr. Zavinski, Council members voted unanimously to approve the resolution providing for the distribution of State Aid to Pension Plans.

RESOLUTION NO. 3131: FEDERAL LOCAL AID REIMBURSEMENT AGREEMENT – WEST FIFTH AVENUE AND MADISON AVENUE PROJECTS

Mr. Holtz stated that West Fifth Avenue from Hickory Street to Laurel Street and Madison Avenue from Averill Street to Malvina Street are Federal Local Aid Routes. The City was awarded a grant in the amount of \$925,799 from the Federal Highway Administration (FHWA) to complete a mill and overlay and curb ramp replacement project on specified sections of West Fifth Avenue and Madison Avenue. The Pennsylvania Department of Transportation (PennDOT) will administer the funding and the advertising, bidding, award, and notice to proceed process. It is anticipated that these projects will be bid and completed in 2021. The FHWA grant is a reimbursement type grant, and therefore PennDOT requires that the City enter into its standard reimbursement agreement.

It was noted that PennDOT requires that the person who accesses and enters information into its electronic project management system be the same person who signs the reimbursement agreement and all other documentation associated with the project. PennDOT requires that this person be authorized by City Council to sign on the City’s behalf.

Mr. Wortman stated his concerns regarding the City’s commitment in the event that project bids come in over budget. Mr. Yurisc explained that there is a review process in regard to bids and the City would have the option to reject bids and rescope the project in the event that bids were higher than estimated. Mrs. Freenock noted that it has been the City’s experience that PennDOT is willing

to work with the City; however, the proposed agreement is PennDOT's standard language and cannot be amended by the City.

Mr. Zavinski made the motion to adopt the resolution authorizing the Reimbursement Agreement #R20010007 for Federal Local Aid Route Segment 20 (West Fifth Avenue) and Segment 30 (Madison Avenue) and designating the Director of the Department of Public Works to sign the agreement and any other documents necessary for the completion of the project. The motion was seconded by Mr. Gilbert and carried with six votes in the affirmative and one nay vote cast by Mr. Wortman.

PROPOSED TRANSFER OF PROPERTY TO THE REDEVELOPMENT AUTHORITY

Mrs. Freenock noted that there are a number of delinquent sewer accounts which are in arrears for substantial amounts. The City continues to pursue collections; however, there are accounts for which it has become evident that the property owner has no intention of making payments.

The City purchased the property located at 423 Rankin Street at the recent tax sale. It was suggested that this property be transferred to the City Redevelopment Authority. This recommendation was made as the RDA is best positioned to negotiate terms of sale and/or agreements with contractors to rehabilitate the property.

Mr. Gilbert noted that it takes some time for all documents related to the sale of properties via the County Tax Claim Sale to be processed and expressed his concern that the transfer of the property to the City may not be complete.

Mr. Wortman made the motion to table transfer of the property located at 423 Rankin Street from the City to the City of Warren Redevelopment Authority until all tax sale documents are complete. The motion was seconded by Mr. Gilbert and carried unanimously.

EMERGENCY OPERATIONS PLAN UPDATE

Chief Wren indicated that the City of Warren Emergency Operations Plan (EOP) was extensively reorganized and expanded in August, 2007. At that time, the plan was adopted by City Council by way of Resolution No. 2747. He stated that it is required that the plan be reviewed and updated every two (2) years; however, it is not required that Council approve any updates that may be made.

Chief Wren stated that all amendments to the EOP are recorded in the "Record of Change" section of the Plan and a copy is placed in all copies of the Plan. An outline of amendments made to the Plan since 2007 was provided for Council's review.

APPROVAL TO REMOVE SIDEWALK AT 104 HILL STREET

Mr. Yurisc stated that the City received a request from Michael Holtz, 104 Hill Street, to remove the sidewalk at the front of his property. The home was constructed by Mr. Holtz' father in 1950 under the GI Bill which required that a sidewalk be installed in order to receive funding. It was noted that the intent of the GI Bill requirement was that it would encourage the installation of sidewalks by others as well. In the case of the 100 block of Hill Street, this did not occur and the property is the only one with a sidewalk and, therefore, it essentially leads to nowhere in either direction. The existing sidewalk has deteriorated and would need to be replaced.

Current ordinances pertaining to the installation and maintenance of sidewalks do not provide authorization to City Staff to approve the removal of a sidewalk. Therefore, it was requested that Council authorize the removal of the sidewalk at 104 Hill Street.

Upon motion by Mr. Wortman and second by Mr. Fraser, Council members voted unanimously to approve removal of the sidewalk located at the front of the property located at 104 Hill Street.

2021 MUNICIPAL BUDGET PUBLIC HEARING DATE

Mrs. Risinger requested that Council set Friday, December 4, 2020, at 5:00 PM as the date and time for the 2021 Municipal Budget Public Hearing. This date allows the appropriate public notice to be provided in advance of the meeting and also meets the requirement that the Public Hearing not be held on the same date as a City Council meeting. It was noted that the proposed budget will be available for public viewing in advance of the Public Hearing.

Upon motion by Mr. Zavinski and second by Mr. Gilbert, Council members voted unanimously to set Friday, December 4, 2020, at 5:00 PM as the date and time for the 2021 Municipal Budget Public Hearing.

GRANT/LOAN APPLICATION: POLICE DETECTIVE VEHICLE

Chief Sproveri stated that the United States Department of Agriculture (USDA) Rural Development Office offers a Community Facilities Grant/Loan Program which will pay up to 55% or a maximum of \$50,000 for approved projects. Under this program, any amount not funded by the grant award will be provided in the form of a loan at the then current rate. The loan may be paid immediately with no penalty.

Chief Sproveri indicated that the Department is prepared to submit an application for the purchase of one Police Interceptor Utility vehicle to be assigned to the Department's Detective. It was noted that the proposed 2021 budget includes the full vehicle purchase price of \$40,847 which includes a 5-year/100,000 mile extended warranty and upfitting.

Upon motion by Mr. Wortman and second by Mr. Gilbert, Council members voted unanimously to authorize submission of a United States Department of Agriculture/Rural Development grant/loan for the purchase of a 2021 Police Interceptor Utility Vehicle.

AGREEMENT AMENDMENT: PLEASANT TOWNSHIP FIRE AND EMS RESPONSE

Chief Wren noted that on September 1, 2020, the City began stationing two Firefighter/EMT's (FF/EMT's) at the Pleasant Volunteer Fire Station during the hours of 7:45 AM to 3:45 PM on Monday, Wednesday, and Friday in accord with the Intermunicipal Cooperation Agreement approved by Council on August 17, 2020. This arrangement retains the required number of personnel at the City station to respond to calls within the City and/or other surrounding municipalities. In addition, those stationed at Pleasant are available to respond to City calls with Pleasant's ambulance or fire equipment, if necessary.

Chief Wren further noted that at the September 21 regular meeting, Council was presented with Pleasant's request to amend the agreement by adding Tuesday and Thursday to the days that the City would provide staffing; all other terms of the agreement would remain in place. Following discussion, the motion was made and passed to table the proposed agreement amendment; a subsequent motion was made and passed to hold a public meeting regarding EMS prior to this meeting. The public meeting was held on October 15 at the Struthers Library Theatre. Fire Department personnel presented information and comments were received from those in attendance.

Chief Wren reminded Council that the agreement will automatically terminate on December 31, 2020, unless extended upon agreement by both the City and Pleasant; the amendment would do likewise. He stated that during the term of the agreement data is being collected which will aid the parties in determining whether this model is viable for long-term operations.

Mr. Wortman made the motion to table action until the original agreement expires on December 31, 2020. The motion was seconded by Mr. Giannini. Following discussion (see below) the motion

failed with two votes in the affirmative and five nay votes cast by Mr. Zavinski, Mr. Fraser, Mr. Gilbert, Mr. Hearn, and Mayor Cashman.

There was considerable discussion during which it was noted that the City is required to respond to calls originating in Pleasant Township and, without an agreement in place, is able to recover only the amount that is paid by any insurance carried by the patient. It was noted that the amount paid by insurance is generally substantially less than what is provided for in the agreement with Pleasant Township and does not cover the actual cost of the services provided. Mr. Fraser noted that it is a service to City taxpayers to enter into an agreement under which just compensation is provided to the City by Pleasant Township.

Mr. Zavinski questioned whether the additional two days would provide more accurate data. Chief Wren responded that it would push the Department "to the outer limits" and, therefore, be a better indicator. He also noted that in the period from the beginning of 2018 to present, the City has responded to 830 calls outside of the City and stated that the agreement provides the City with more control regarding the location of its assets. Chief Wren stated that since entering into the initial agreement with Pleasant, the Pleasant ambulance has been brought into the City on multiple occasions.

Mr. Gilbert noted that in the event of a train actively crossing Pennsylvania Avenue West, the City's personnel stationed in Pleasant Township could respond more quickly to a medical or fire emergency on the west side of the City as their route into that area would not be obstructed.

Mr. Fraser made the motion to approve the Agreement Amendment between the City and Pleasant Township providing for Fire and EMS Response by the addition of Tuesday and Thursday staffing. The motion was seconded by Mr. Gilbert and carried with five votes in the affirmative and two nay votes cast by Mr. Wortman and Mr. Giannini.

DEPARTMENT REPORTS – SEPTEMBER, 2020

The following reports were presented for Council's review:

- Police Department
- Fire Department
- Department of Public Works
- Building Codes Department
- Community & Economic Development

APPROVED MINUTES OF BOARDS AND COMMISSIONS

Council acknowledged receipt of the following approved minutes:

Street Landscape Committee – August 25, 2020 Regular Meeting

ADJOURNMENT

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