

**WARREN CITY COUNCIL
REGULAR MEETING
NOVEMBER 21, 2022 – 7:00 PM**

OPENING OF MEETING

Mayor David Wortman presided over the November 21, 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

Mayor Wortman announced that immediately preceding this meeting, Council met in executive session for discussion of personnel matters relating to the Health Officer, personnel matters relating to the City Manager, and potential litigation regarding oil/gas wells on City property.

ROLL CALL

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

RECOGNITION OF VISITORS

Mayor Wortman welcomed all visitors. Present were:

- Angie Dart: Warren General Hospital Right-of-Way & RACP Sub-Grantee Agreement
- Jim Decker: Riverfront Redevelopment Project Funding and RACP Sub-Grantee Agreement
- Tom Christeson (via Zoom): RACP Sub-Grantee Agreement
- Hank LeMeur: Riverfront Redevelopment Project Funding
- Shawn Walker: Riverfront Redevelopment Project Funding
- Dick Balas: Observing
- Jane Dunshie: Observing
- Josh Cotton: Times Observer Reporter
- Andy Close: YourDailyLocal Reporter (via Zoom)

APPROVAL OF THE AGENDA

Upon motion by Mr. Cashman and second by Mr. Gilbert, the agenda was unanimously approved as presented.

APPROVAL OF MINUTES

Upon motion by Mr. Cashman and second by Mr. Villella, the minutes of the October 17, 2022, regular meeting were unanimously approved.

Upon motion by Mr. Cashman and second by Mr. Villella, the minutes of the October 24, 2022, special meeting were unanimously approved

CORRESPONDENCE

There was no correspondence to come before Council.

WCCBI ADDRESS TO COUNCIL REGARDING BOAT LAUNCH MATCHING FUNDS

James Decker, President/CEO of the Warren County Chamber of Business and Industry (WCCBI) addressed Council and encouraged members' favorable consideration in providing \$500,000 in required Redevelopment Assistance Capital Project (RACP) matching funds in order to move the

Riverfront Redevelopment Project forward. Hank LeMeur and Shawn Walker, members of the WCCBI Board, were also present in support of Mr. Decker's request.

RIVERFRONT REDEVELOPMENT PROJECT: RACP MATCHING FUNDS

Mr. Holtz noted that, at the October 24 special Council Meeting, the issue regarding the Redevelopment Assistance Capital Project (RACP) matching funds for the proposed \$3 million boat launch was discussed. He further noted that RACP funds in the amount of \$1.5 million have been committed to the Riverfront Redevelopment Project. RACP requires confirmation of a match of the same amount in order to submit the Business Plan that is due by December 23, 2022. The City previously committed \$473,579.62 in matching funds derived from the first tranche of American Rescue Plan Act (ARPA) funds. The Warren County Development Association (WCDA) committed an additional \$40,000 to the Project and the Warren County Commissioners committed \$500,000 which brings the total to \$1,013,579.62 in dedicated matching funds.

At the October 24 special meeting, City Council considered, but did not approve, a proposal to utilize a portion of the proceeds from the \$3.6 million Clark Street Parking Garage Loan as a match for the Riverfront Redevelopment Project. The loan was earmarked for repairs to the Clark Street Parking Garage; however, a \$1 million grant recently awarded to the City will free up loan proceeds that may be used as a match.

Mr. Holtz indicated that the City has been advised that the Warren County Commissioners, at their November 23 meeting, will consider committing additional funding towards the Riverfront Redevelopment Project. He stated that, should the Commissioners allocate additional funds, the amount to be allocated from the City's loan proceeds would be reduced by the amount of County funding.

Mr. J. Wortman made the motion to authorize the allocation of \$250,000 from the General Fund and \$250,000 in proceeds to be derived from the ~~\$3.8~~ \$3.6 * million loan for utilization as RACP matching funds for the Riverfront Redevelopment Project. The motion was seconded by Mr. Gilbert and carried unanimously. *corrected 12-19-2022

AGREEMENT: HOSPITAL GENERATOR BUILDING RIGHT-OF-WAY EASEMENT

Mr. Holtz stated that Warren General Hospital (WGH) plans to construct a brick building which will house a new emergency generator to serve the Hospital in the event of a power outage. The generator building will encroach upon the City's right-of-way on the Main Avenue side of the hospital. At the December 20, 2021, regular meeting Council approved an Easement Agreement with WGH; however, that agreement was not fully executed.

The generator building will be slightly elevated above grade and, therefore, will require stairs and a landing to gain entry. As the Hospital's engineers developed the final plans for the building, it was found that, in order to accommodate the building footprint with the stairs and landing, the easement area needs to be expanded by three feet to ensure that excavations do not impact an existing utility tunnel adjacent to the Hospital.

Mr. Cashman made the motion to authorize the Mayor and Assistant City Clerk to execute the Warren General Hospital Easement agreement, which reflects the revised easement width, on behalf of the City. The motion was seconded by Mr. J. Wortman and carried unanimously.

2023 MUNICIPAL BUDGET PUBLIC HEARING DATE

Mrs. Byler requested that Council set Monday, December 12, at 6:00 PM as the date and time for the 2023 Municipal Budget Public Hearing. As required, the proposed budget will be available for public viewing in advance of the Public Hearing.

Mr. J. Wortman made the motion to establish Monday, December 12, 2022, at 6:00 PM as the date and time for the 2023 Municipal Budget Public Hearing. The motion was seconded by Miss Flasher and carried unanimously.

ELECTRICITY PROCUREMENT AGREEMENT

Mr. Holtz stated that the City's current third-party contract for electricity procurement is with Freepoint Energy Solutions, LLC and will expire on December 31, 2022. At the time that the contract was signed in March of 2019, the rate was \$0.04299/kWh. Mr. Holtz indicated that City Staff researched several companies and recommended that the City enter into a contract with either MP2 Energy, WGL Energy or Freepoint Energy. Council members were provided with a summary of the rates provided by suppliers on this date. It was noted that the selected supplier's rate will be "locked in" for the duration of the contract and will not fluctuate once the City has signed the contract.

Following discussion, Mr. Villella made the motion to table action on an electricity procurement contract until a special meeting to be held on December 12, 2022, following the Budget Public Hearing. The motion was seconded by Miss Flasher and carried unanimously.

HEALTH OFFICER

Mr. Rossey stated that the City's current Health Officer has served in that role for many years. However, over the past few years, he has become less dependable and the Pennsylvania Department of Agriculture's Bureau of Food Safety has advised the City that reports which are required to be filed by the Officer are not being submitted on a timely basis or are not submitted at all. The Bureau further reported that the Officer has been unresponsive to its efforts to correct the deficient reporting. The City has experienced difficulty in obtaining a response to written, email, or phone communications to the Officer.

Therefore, the City consulted with the Bureau and was advised that Jennifer Challingsworth is fully qualified to serve as a Health Officer and to conduct Retail Food Establishment inspections. Mr. Rossey indicated that he and Mr. Holtz met with Ms. Challingsworth and recommend that she be appointed as the City's Health Officer and that the City enter into a three-year agreement with her for the performance of the duties of a Health Officer and the conduct of Retail Food Establishment inspections.

Ms. Challingsworth's fees for services to be provided are contained within the agreement and will allow the City to reduce its fees for permits for Retail Food Establishments. It was noted that the fees charged by the City to the license holder will be in excess of Ms. Challingsworth's fees in order to offset Administrative time and supplies associated with Retail Food Establishment Licensing.

Mr. Rossey further stated that in February, 2017, Council established and appointed the members of a five-member Board of Health. The Board is scheduled to meet quarterly; however, due to a lack of business to be addressed, the Board has not met since early in 2020. Prior to establishment of the current Board, City Council served as the Board of Health. It was recommended that the City Code be amended by abolishing the current Board of Health and again establishing City Council as the Board of Health. In its role as the Board of Health, Council would schedule and conduct meetings on an as-needed basis.

Resolution No. 3203: Appointing Health Officer

Mr. Villella made the motion to approve the resolution appointing Jennifer Challingsworth as the City of Warren Health Officer for the years 2023, 2024, and 2025. The motion was seconded by Miss Flasher and carried with six votes in the affirmative and one nay vote cast by Mr. Gilbert.

Agreement: Jennifer Challingsworth, Health Officer and Inspector

Mr. Villella made the motion to approve the agreement between the City and Jennifer Challingsworth for the performance of the duties of the Health Officer and the performance of Retail Food Establishment inspections. The motion was seconded by Miss Flasher and carried with six votes in the affirmative and one nay vote cast by Mr. Gilbert.

Ordinance: Board of Health

Mr. Villella made the motion to direct City Staff to prepare an ordinance amending the City Code by abolishing the current Board of Health and establishing Warren City Council as the Board of Health (to be placed on the December 19, 2022, Council meeting agenda). The motion was seconded by Miss Flasher and carried with six votes in the affirmative and one nay vote cast by Mr. Gilbert.

COMPREHENSIVE PLAN PUBLIC COMMENT PERIOD

Mr. Rossey reported that the City of Warren Planning Commission voted to approve the Draft Comprehensive Plan and to forward the document for Council's consideration. As part of the adoption process, it is required that Council initiate a 45-day comment period. It was noted that Mackin Engineers and Consultants will perform all advertising activities and receive comments.

Mr. Cashman made the motion to set November 28, 2022, through January 12, 2023, as the City of Warren Comprehensive Plan Public Comment Period. The motion was seconded by Mrs. McCain and carried unanimously.

PARKS, RECREATION, AND TREES (LANDSCAPE) COMMISSION PROPOSAL

Mr. Holtz stated that the City Parks and Recreation Commission is to have a roster of seven members and the Street Landscape Committee membership may range from a minimum of five to a maximum of fifteen members. Over the past several years, it has become increasingly difficult to retain a full roster for each of the groups. In many instances, there is some overlap in the duties of each group and, therefore, matters are sometimes addressed by both. The members of the Parks and Recreation Commission and the Street Landscape Committee concur that it would be advantageous to create a single commission to be known as the Parks, Recreation, and Trees (or Landscape) Commission. This action is permitted under the City Charter. The City's Administrative Code provides that a commission may not consist of more than seven members.

The Parks and Recreation Commission has five members with one seat's term set to expire December 31, 2022; the Street Landscape Committee has four active members with one seat's term set to expire December 31, 2022. Therefore, it was suggested that the two expiring seats not be reappointed, and the remaining members would combine to form a fully seated seven-member commission.

Mr. J. Wortman made the motion to direct City Staff to draft an ordinance amending the City Code to abolish the Parks and Recreation Commission and the Street Landscape Committee and to establish a Parks, Recreation, and Trees (Landscape) Commission. The motion was seconded by Mr. Villella and carried unanimously.

AGREEMENT: WARREN GENERAL HOSPITAL RACP SUB-GRANTEE

Mr. Holtz stated that Warren General Hospital submitted an application for 2021 RACP funding to be utilized for renovations as part of its Medical Services Modernization Project. The Hospital was awarded \$3.7 million in funding; however, it is not a qualifying agency for direct receipt of RACP funds. Therefore, WGH requested that the City serve as the Grantee and, in turn, sub-grant the funds to the hospital.

Mr. J. Wortman made the motion to approve the Sub-Grantee Agreement pertaining to the Warren General Hospital Redevelopment Assistance Capital Project (RACP) award in the amount of \$3.7 million (Hospital Medical Services Modernization Project). The motion was seconded by Mr. Vilella and carried unanimously.

AGREEMENT: DEWBOI, LLC, RACP SUB-GRANTEE

Mr. Holtz stated that Council previously voted to sub-grant 2018 Redevelopment Assistance Capital Program (RACP) funds to DewBoi Properties, LLC, and entered into a sub-grantee agreement with DewBoi. However, in communications with the Office of Budget, which administers RACP funding, it was determined that the DewBoi project is not a qualifying use of funds under the line item cited in the City's 2018 RACP application. Therefore, it is necessary to allocate RACP funds received under a qualifying line item in award years 2018 and 2021.

Mrs. McCain made the motion to approve the Sub-Grantee Agreement with DewBoi Properties, LLC, for the use of funding from Redevelopment Assistance Capital Project funding from award years 2019 (\$1,000,000) and 2021 (\$400,000). The motion was seconded by Mr. Vilella and carried unanimously.

AGREEMENT: WCDA RACP SUB-GRANTEE

Mr. Holtz stated that the Warren County Development Association (WCDA) submitted an application for 2022 Redevelopment Assistance Capital Project (RACP) funding to be utilized for its Warren Community Education and Workforce Training Center Project. The WCDA was awarded \$500,000 in funding; however, it is not a qualifying agency for direct receipt of RACP funds. Therefore, the WCDA requested that the City serve as the Grantee and, in turn, sub-grant the funds to the WCDA.

Mr. Vilella made the motion to approve the Sub-Grantee Agreement with the Warren County Development Association in regard to the ~~\$400,000~~ \$500,000 * Redevelopment Assistance Capital Project funding award for its Warren Community Education and Workforce Training Center Project. The motion was seconded by Miss Flasher and carried unanimously. **corrected 12-19-2022*

MAYORAL APPOINTMENT: ZONING STEERING COMMITTEE

Mr. Rossey noted that the City contracted with Mackin Engineers and Consultants for development of an updated Comprehensive Plan and updated Zoning Ordinance. Mackin asked that the City establish a Zoning Steering Committee and recommended that it be comprised of three members of City Council, three members of the Planning Commission, one member of the Zoning Hearing Board, and members of City Staff.

Mayor Wortman appointed Mrs. McCain, Mr. Vilella, and Mr. J. Wortman to represent City Council on the Zoning Steering Committee.

MARKETING COMMITTEE UPDATE

Mr. Vilella stated that he and Mr. J. Wortman met with the Warren County Commissioners to discuss possible coordinated marketing efforts; further discussions will likely occur in the second or third quarter of 2023.

DEPARTMENT REPORTS – OCTOBER, 2022

The following reports were presented for Council’s review:

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

APPROVED MINUTES OF BOARDS AND COMMISSIONS

Council acknowledged receipt of the following approved minutes:

Blighted Property Review Committee	–	September 22, 2022	Regular Meeting
Parks and Recreation Commission	–	August 2, 2022	Regular Meeting
Planning Commission	–	September 21, 2022	Regular Meeting
Redevelopment Authority	–	September 28, 2022	Regular Meeting
Street Landscape Committee	–	September 27, 2022	Regular Meeting

ADJOURNMENT

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