

**WARREN CITY COUNCIL
REGULAR MEETING
DECEMBER 14, 2020 – 7:00 PM**

OPENING OF MEETING

Mayor Cashman presided over the December 14, 2020, regular meeting of Warren City Council. He announced that immediately prior to this meeting Council met in executive session regarding legal advice.

ROLL CALL

Due to the COVID-19 Pandemic, all Council members, City Staff, and visitors participated via the Zoom online meeting platform. Council Members responding to roll call were: Mayor Maurice Cashman, Gregory Fraser, Paul Giannini, Philip Gilbert, Douglas Hearn, John Wortman, and Christian Zavinski. Members of City Staff present were Nancy Freenock, City Manager; Michael Holtz, DPW Director; Teena Leary, Assistant City Clerk; Joseph Sproveri, Chief of Police; Rodney Wren, Fire Chief; Donna Risinger, Finance Officer; Chad Yuriscic, City Engineer; and Andrea Stapleford, City Solicitor.

APPROVAL OF MINUTES

Upon motion by Mr. Wortman and second by Mr. Zavinski, the minutes of the November 16, 2020, Regular Meeting were unanimously approved with one spelling correction.

Upon motion by Mr. Wortman and second by Mr. Zavinski, the minutes of the December 8, 2020, Budget Public Hearing were unanimously approved.

RECOGNITION OF VISITORS

Mayor Cashman welcomed all visitors.

- Numerous individuals viewed the meeting via the Zoom meeting platform
- Dan Glotz and several Boy Scouts
- Josh Cotton: Times Observer Reporter

CORRESPONDENCE

There was no correspondence to come before Council.

RESOLUTION NO. 3133: ADOPTION OF THE 2021 MUNICIPAL BUDGET

Mrs. Risinger summarized the proposed 2021 Municipal Budget as follows:

General Fund	\$ 10,068,068
Community Improvement Program	\$ 2,893,000
Sewer Fund	\$ 2,411,083
Parking Fund	\$ 462,570

Mrs. Risinger noted that under Agenda Item No. 1.b. Council would be asked to determine the Real Estate and Earned Income tax rates which support the budget. She further noted that two budget options were provided (Option 1 provides for a 2-mill Real Estate Tax increase and Option 2 provides for a 1-mill Real Estate Tax rate increase and a one-tenth of one percent increase in the Supplemental Earned Income Tax rate). Each option provides for the same revenue and expenditure totals.

There was considerable discussion regarding the budget with the following motions being made:

Mr. Fraser made the motion to adopt tax rate Option 2. The motion was seconded by Mr. Hearn. Mr. Fraser withdrew the motion as premature.

Mr. Fraser made the motion to adopt the budget as proposed – the motion was withdrawn.

Following further discussion, Mr. Fraser made the motion to adopt the budget as presented. The motion was seconded by Mr. Hearn. The vote on Mr. Fraser’s motion, as amended, (see Mr. Zavinski’s motion below) carried with four votes in the affirmative and three nay votes cast by Mr. Fraser, Mr. Giannini, and Mr. Hearn.

Mr. Zavinski made the motion to amend the proposed budget by withdrawing \$175,000 from the Crescent Park Improvement Project. The motion was seconded by Mr. Wortman and carried with four votes in the affirmative and three nay votes cast by Mr. Fraser, Mr. Giannini, and Mr. Hearn.

ORDINANCE NO. 1948: SETTING THE 2021 REAL ESTATE TAX MILLAGE RATE
ORDINANCE NO. 1949: SETTING THE SUPPLEMENTAL EARNED INCOME TAX RATE

There was considerable discussion regarding the setting of tax rates and the implications of maintaining the 2020 tax rates versus tax increases.

Members of the public who provided comment regarding tax rates were:

- Wendy McCain: Stated that residents “pay a lot of taxes” and requested that taxes not be increased in 2021
- Jason Bonavita: Referenced street paving and suggested that decreased travel on streets as the result of COVID-19 restrictions may lessen the need for paving in 2021.
- Mr. Skinner: Stated that taxes should not be increased.

Mrs. Freenock reminded residents that their real estate tax bill includes taxes assessed by Warren County and the Warren County School District. She further noted that City residents receive many services that are not available in neighboring municipalities.

The following motions were made throughout Council's discussion:

Mr. Wortman made the motion to maintain the Real Estate Tax Millage rate at 19.8 mills with no increase in the Supplemental Earned Income Tax. The motion was seconded by Mr. Zavinski and defeated with four nay votes cast by Mr. Fraser, Mr. Gilbert, Mr. Giannini, and Mr. Hearn; three affirmative votes were cast by Mr. Zavinski, Mr. Wortman, and Mayor Cashman.

Mr. Fraser made the motion to adopt Tax Rate Option #2 (Real Estate Tax rate at 20.8 mills and Supplemental Earned Income Tax Rate at 1.3%). The motion was seconded by Mr. Giannini. Following Mr. Cashman’s motion (see below), Mr. Fraser’s motion carried with four votes in the affirmative and three nay votes cast by Mr. Zavinski, Mr. Wortman, and Mayor Cashman.

Prior to the vote on Mr. Fraser’s motion (above), Mayor Cashman turned control of the meeting to Mr. Wortman, Council Vice-President, and made the motion to adopt a one-half mill increase in the Real Estate Tax rate and a 0.05 percent increase in the Supplemental Earned Income Tax rate. There was no second to the motion. Mr. Wortman returned control of the meeting to Mayor Cashman.

Mr. Fraser made the motion to amend the budget by placing the \$175,000 removed from the Crescent Park Improvement Project into the Department of Public Works budget to be used for paving or other budgeted items exclusive of any park improvements. The motion was seconded by Mr. Gilbert. Following defeat of the motion to amend (see below), this motion carried unanimously.

Secretary's note: The \$175,000 will be reallocated from the Crescent Park Improvement Project in the Community Improvement Project (CIP) to street paving which is also contained within the CIP.

Mr. Wortman made the motion to amend Mr. Fraser's motion by reallocating \$175,000 back to the Crescent Park Improvement Project. The motion was seconded by Mr. Gilbert and was defeated with four nay votes cast by Mr. Zavinski, Mr. Fraser, Mr. Hearn, and Mayor Cashman and three affirmative votes cast by Mr. Wortman, Mr. Gilbert, and Mr. Giannini.

RESOLUTION NO. 3134: ESTABLISHING FEES

Mr. Zavinski made the motion to adopt the resolution establishing fees. The motion was seconded by Mr. Giannini and carried with six votes in the affirmative and one nay vote cast by Mr. Wortman.

RESOLUTION NO. 3135: APPOINTING THE CITY SOLICITOR

Mr. Wortman made the motion to adopt the resolution appointing the firm of Stapleford & Byham, LLC as City Solicitor for 2021. The motion was seconded by Mr. Zavinski. The motion, as amended (see below), carried unanimously.

Mr. Fraser made the motion to amend Section 2 of Resolution No. 3135 by removing "or" from "When the Solicitor and/or City Manager believe it would be in the best interest..." The motion was seconded by Mr. Zavinski and carried unanimously.

RESOLUTION NO. 3136: APPOINTING THE CITY ENGINEER

Mr. Fraser made the motion to adopt the resolution appointing the firm of Greenman-Pedersen, Inc. as the City Engineer for the years 2021 and 2022. The motion was seconded by Mr. Zavinski and carried unanimously.

RESOLUTION NO. 3137: AUTHORIZING ENGINEERING SERVICES AGREEMENT

Mr. Fraser made the motion to adopt the resolution authorizing an Engineering Services Agreement with Greenman- Pedersen, Inc. for the years 2021 and 2022. The motion was seconded by Mr. Zavinski and carried unanimously.

RESOLUTION NO. 3138: APPOINTING THE CITY HEALTH OFFICER

Mr. Fraser made the motion to appoint Dr. Dennis Olson as the City Health Officer for 2021. The motion was seconded by Mr. Wortman and carried unanimously.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Upon motion by Mr. Wortman and second by Mr. Hearn, Council members voted unanimously to make the following appointments:

<u>Name</u>	<u>Board</u>	<u>Term Expiration</u>
Michael Suppa	Parks and Recreation Commission	12/31/2024
Angie Dart	Planning Commission	12/31/2024
Paula Bogart	Street Landscape Committee	12/31/2024
Mary Conarro	Street Landscape Committee	12/31/2024
Denise Whipp	Blighted Property Review Committee	12/31/2022
Jason Hagberg	Joint UCC Board of Appeals	12/31/2025

RESOLUTION NO. 3139: NON-UNION EMPLOYEE BENEFITS

Mrs. Leary stated that wage increases for non-union employees generally follow the I.B.E.W. (Public Works) collective bargaining agreement. The I.B.E.W. agreed to a one-year extension of the collective bargaining agreement for 2021 which, essentially, resulted in a wage freeze. As a result, non-union employee wages for 2021 will remain the same as in 2020; this will result in a cost savings to the City of approximately \$25,706.

In the year 2020, Administrative employees contributed 10% of the 2020 healthcare premium. Resolution No. 3099, which pertains to non-union employee benefits, calls for that amount to be increased to 11% of the 2021 healthcare premium which would total approximately \$23,324; freezing the employee contribution at the 2020 rate will yield an employee contribution of approximately \$20,081 for a difference of \$3,243. A contribution of 11% of the premium would be an additional employee cost averaging \$232 per employee (more for family, less for individual) with no corresponding wage increase. Therefore, it was requested that Council adopt a resolution which holds the 2021 employee healthcare contribution at 10% of the 2020 healthcare premium. All other terms of the non-union employee benefits resolution remain the same.

Mr. Fraser made the motion to adopt the resolution establishing non-union employee benefits. The motion was seconded by Mr. Zavinski and carried unanimously.

ORDINANCE NO. 1950: AMENDING THE PERSONNEL CODE – RESIDENCY

Mrs. Leary stated that Chapter 85 of the City Code is commonly referred to as the Personnel Code. Section 85-10 pertains to residency requirements for City employees and, until 2015, all employees were required to live within a six-mile radius of the Municipal Building. In the collective bargaining agreements that became effective in 2015, both the Police and Fire Department unions bargained for an expansion of that limit to ten miles. Since that time, it has been interpreted that the ten-mile radius is also applicable to Public Works employees and non-union employees.

It was stated that it has long been the City's experience that the residency requirement significantly limits the number of qualified applicants for non-union positions. In the instance of the City Manager, Police Chief, Fire Chief, Director of the Department of Public Works, and Public Works employees, it is advisable that they be required to live within a ten-mile radius due to the nature of events that would require a rapid emergency response.

In order to properly reflect that the residency requirement is now set under the Police and Fire collective bargaining agreements and to memorialize requirements for the City Manager, Police and Fire Chiefs, Director of the Department of Public Works, and DPW employees, it was recommended that Section 85-10 of the Code of the City of Warren be amended.

Mr. Wortman made the motion to amend the proposed ordinance (page 4) as follows: All employees hired by the City of Warren after December 31, 2020, will be required to take up residency within the City limits within one year of their hire date. Employees of the City hired after December 31, 2020, who are employed as members of a collective bargaining unit will instead meet the residency requirements outlined in their ratified contract. The motion was seconded by Mr. Zavinski.

Mrs. Freenock and Ms. Stapleford each stated that there are prior Pennsylvania court cases which have struck down limitations on residency with the exception of those in place in regard to emergency responders and City Managers. Following these statements, Mr. Wortman withdrew his motion.

Mr. Fraser made the motion to adopt the ordinance amending Chapter 85: Personnel of the Code of the City of Warren, Section 85-10: Residency. The motion was seconded by Mr. Hearn and carried with six votes in the affirmative and one nay vote cast by Mr. Wortman.

RESOLUTION NO. 3140: AUTHORIZING PA FISH & BOAT COMMISSION GRANT APPLICATION

Mr. Yurisc stated that construction of a public boat ramp on the Allegheny River has long been discussed. The Pennsylvania Fish and Boat Commission (PFBC) recently opened a grant funding

opportunity. Following a review of the grant guidelines, City Staff determined that construction of a boat ramp would be a qualifying activity.

The proposed ramp would be at the foot of Liberty Street and would serve both motorized and non-motorized watercraft. It is anticipated that this location's proximity to nearby businesses catering to outdoor recreation, the commercial downtown district, and existing park lands with a restroom facility will result in favorable consideration for grant funding.

The grant requires that the City provide a 50% minimum match which may take one, or a combination, of many forms including in-kind services performed by the City and other state funding sources. Mr. Yurisc stated that, based on a preliminary design, the total project costs are estimated to be \$2 million.

Mr. Fraser made the motion to adopt the resolution authorizing submission of an application for grant funding to the Pennsylvania Fish and Boat Commission for construction of a public boat ramp. The motion was seconded by Mr. Zavinski and carried unanimously.

TEMPORARY MUNICIPAL COOPERATIVE AGREEMENT

Chief Sproveri stated that in March of this year, the City entered into a Temporary Municipal Police Cooperative Agreement which relates to the provision of Mutual Police Aid across jurisdictional lines within Warren County as may become necessary due to the COVID-19 pandemic. The March agreement expired after six months. Therefore, the County drafted a new agreement which will remain in effect until such time as the Governor declares that the COVID-19 Emergency Disaster Declaration is no longer in effect. Any party may withdraw from the agreement upon written notice to the other parties.

Mr. Wortman made the motion to authorize the Chief of Police to sign a Temporary Municipal Police Cooperative Agreement. The motion was seconded by Mr. Gilbert and carried unanimously.

DEPARTMENT REPORTS – NOVEMBER, 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

There were no approved minutes to be provided.

ADJOURNMENT

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