

**WARREN CITY COUNCIL
REGULAR MEETING
DECEMBER 18, 2023 – 7:00 PM**

OPENING OF MEETING

Mayor David Wortman presided over the December 18, 2023, regular meeting of Warren City Council in Council Chambers of the Municipal Building and opened the meeting with the Pledge of Allegiance.

ROLL CALL

Members present and responding to roll call were: Mayor David Wortman, Maurice Cashman, Danielle Flasher, Wendy McCain, Jared Villella, and Junior Council Member Samuel Harvey. Philip Gilbert was absent and one Council seat is vacant. 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; and Andrea Stapleford, City Solicitor.

RECOGNITION OF VISITORS

Mayor Wortman welcomed all visitors. Present were:

John Barbera	Josh Cotton, Reporter
Jon Brenza (PAMS via Zoom)	Richard Lear (PAMS via Zoom)
Kelley Coey (via Zoom)	Ron Peterson
Philip Caudill	Kevin Sheldon
Bradley Conquer (Superior Tire)	William Templeton

Ron Peterson addressed Council and expressed his views pertaining to the recent public presentation by Penn State University students regarding riverfront and downtown development.

Kevin Sheldon addressed Council and expressed his concerns regarding sewer and recycling fee collections by Pennsylvania Municipal Service Company.

APPROVAL OF THE AGENDA

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

Mr. Villella made the motion to amend the agenda by removing the presentation by Joe McClellan (regarding America250PA) and adding it to the January regular meeting agenda. The motion was seconded by Mr. Cashman and carried unanimously among the members present.

APPROVAL OF MINUTES

Mr. Cashman made the motion to approve the November 20, 2023 regular meeting minutes with a friendly amendment by Mrs. McCain to include that there was debate regarding whether work sessions are to be made available via a YouTube video and that the matter would be revisited. The motion, with amendment, was seconded by Mr. Villella and carried unanimously among the members present.

Upon motion by Mr. Cashman and second by Mr. Villella, the members present unanimously approved the minutes of the December 11, 2023, Budget Public Hearing.

CORRESPONDENCE

There was no correspondence to come before Council.

RESOLUTION NO. 3245: CLOPP & HOISINGTON – SUPERIOR TIRE MINOR SUBDIVISION

Mr. Rossey stated that Superior Tire & Rubber Corporation filed a minor subdivision application to subdivide the property located at 341 Harmar Street (Parcel No. WN-577-5600) currently owned by Clopp & Hoisington, LLC. The minor subdivision would divide the existing Clopp & Hoisington, LLC property into two lots with Clopp & Hoisington, LLC retaining Lot 1 and Lot 2 being conveyed to the Superior Tire and Rubber Corporation.

The City Planning Commission and the Warren County Planning Commission reviewed the application and each recommended Council’s approval.

Upon motion by Mr. Villella and second by Miss Flasher, Council members present voted unanimously to approve the resolution approving the Clopp & Hoisington – Superior Tire Minor Subdivision.

AGREEMENTS: PARKING LEASES

Mr. Holtz stated that HIY, Inc., Ruzhdi Bakalli, President and CEO, leases a City-owned parcel located along Clark Street and identified as WN-576-7871. By way of an email dated September 6, Mr. Bakalli requested that the lease be assigned to Bent Run Brewing Co., owned by Philip Caudill.

It was recommended that the City terminate the lease agreement with HIY and enter into a new lease agreement with Bent Run Brewing Co. The proposed agreement with Bent Run Brewing provides for a lease rate of \$125/month which is equal to the monthly rate for the nearby properties that are currently leased to Allegheny Outfitters.

Termination of HIY, Inc. Parking Lease

Upon motion by Miss Flasher and second by Mr. Cashman, Council members present voted unanimously to approve the agreement terminating the HIY, Inc. Parking Lease.

Bent Run Brewing Co. Parking Lease

Miss Flasher made the motion to approve the Bent Run Brewing Company Parking Lease with the addition of “from establishments other than Bent Run Brewing Company” in Section 3. The motion was seconded by Mr. Cashman and carried unanimously among the Council members present.

RESOLUTION NO. 3246: PA MUNICIPAL SERVICE DELINQUENT UTILITY FEE SCHEDULE

Mr. Holtz stated that the Pennsylvania Municipal Service Company (PAMS) is the City’s exclusive agent for the collection of current and delinquent sewer/recycling use fees in accord with an agreement dated May 21, 2012. Richard Lear, PAMS President, submitted a letter to the City requesting that the City adopt a revised “Appendix A, PAMS Delinquent Utility Fee Schedule” and detailing the reasons for the request. Mr. Lear and Jon Brenza, PAMS Sales & Marketing Manager, attended the meeting virtually and answered questions posed by Council members.

Following discussion, Mrs. McCain made the motion to postpone action on this matter to allow time to research alternatives to PAMS; the motion failed due to lack of a second.

Mr. Cashman made the motion to approve the resolution authorizing the revised “Appendix A, PAMS Delinquent Utility Fee Schedule” to be attached to, and made a part of, that certain agreement by and between the City of Warren and Pennsylvania Municipal Service Company dated May 21, 2012, as amended. The motion was seconded by Mr. Villella and carried with four votes in the affirmative and one nay vote cast by Mrs. McCain.

RESOLUTION NO. 3247: ADOPTING THE 2024 MUNICIPAL BUDGET

Mrs. Byler summarized the proposed 2024 Municipal Budget as shown below and noted that under this budget, the Real Estate Tax millage will remain at 20.8 mills on each one dollar of assessed valuation and the combined Earned Income Tax will remain at 2.3 percent.

General Fund	\$9,832,157
Community Improvement Program	\$3,491,000
Sewer Fund	\$3,225,381
Parking Fund	\$ 405,386

Mr. Cashman made the motion to approve the resolution adopting the 2024 Municipal Budget. The motion was seconded by Mr. Villella and carried unanimously among the Council members present.

ORDINANCE NO. 1976: ESTABLISHING THE 2024 REAL ESTATE TAX RATE

Mrs. Byler stated that the 2024 Municipal Budget reflects no increase in the Real Estate Tax Rate for 2024. She noted that the requisite budget public hearing was held at 5:00 PM on December 11, 2023, at which time no citizens wishing to provide comment on the budget were present.

Upon motion by Mr. Villella and second by Miss Flasher, Council members present voted unanimously to adopt the ordinance establishing the 2024 Real Estate Tax Rate at 20.8 mills on each one dollar of assessed valuation.

RESOLUTION NO. 3248: APPOINTING SOLICITOR FOR 2024

Mr. Holtz stated that the firm of Stapleford & Byham, LLC, has completed its fourteenth year with the City and recommended its retention for 2024. Attorney Andrea Stapleford will continue to serve as primary counsel to the City and Attorney Christopher Byham will serve as secondary counsel.

Mr. Villella made the motion to appoint Stapleford & Byham, LLC, to serve as City Solicitor for the year 2024 with Paragraph 2, page 2, of the retainer letter to be amended by striking “or any one single Council member” and replacing it with “the majority of Council members.” The motion was seconded by Miss Flasher and carried unanimously among the Council members present.

RESOLUTION NO. 3249: ESTABLISHING FEES

Mrs. Byler stated that, in response to changing costs for the provision of various permits, services, and use of facilities, it is necessary to amend the City’s Fee Schedule from time to time. The amended fees include the addition of pickleball court reservation fees (courts were constructed in 2023) and an increase in the recyclable materials collections fee.

Upon motion by Mr. Villella and second by Miss Flasher, Council members present voted unanimously to adopt the resolution establishing the City Fee Schedule.

AGREEMENTS: CLARENDON, PLEASANT, WATSON, AND CHERRY GROVE EMS

Chief Krogler stated that Clarendon Borough, Pleasant Township, and Watson Township each contacted the City with a request to enter into an agreement for the provision of Basic Life Support Emergency Medical Service (EMS) by the City Fire Department on an as-needed or backup basis. Agreements with language meeting the above requests were drafted and provided to these municipalities for their approval.

Cherry Grove Township approved an agreement provided by the City under which the City Fire Department would be designated as the primary responder for Basic Life Support EMS calls Monday through Friday, 5:00 AM to 5:00 PM.

It was noted that agreements such as these allow the City Fire Department to be more appropriately compensated when responding to EMS calls outside of the City.

Mr. Cashman made the motion to approve the agreements with Clarendon Borough, Cherry Grove Township, Pleasant Township, and Watson Township for the provision of Emergency Medical Services by the City Fire Department. The motion was seconded by Miss Flasher and carried unanimously among the Council members present.

AGREEMENT: EMERGENCYCARE, INC. JOINT BILLING

Chief Kroglar stated that City Fire Department personnel provide Emergency Medical Services (EMS) at the Basic Life Support (BLS) level. When a call requiring Advanced Life Support (ALS) assistance occurs, EmergencyCare, Inc., which is the County’s ALS service provider, also responds. In these instances, both the City and EmergencyCare respond to the call and jointly provide pre-hospital services to the patient and it is necessary that there be an agreement in place which prescribes how patient billing for such calls is to be managed.

The current Joint Billing Agreement (JBA) expires on December 31, 2023; the City and EmergencyCare representatives met and drafted a new one-year agreement to be in effect from January 1, 2024, through December 31, 2024. The agreement may be terminated by either party upon 90 days’ written notice to the other party.

Upon motion by Mr. Villella and second by Mrs. McCain, Council members present voted unanimously to approve the one-year Joint Billing Agreement with EmergencyCare.

AGREEMENT: POLICE MEMORANDUM OF UNDERSTANDING

Mrs. Byler stated that the City engaged in discussions with the Fraternal Order of Police, Lodge No. 83, regarding a three-year contract period starting on January 1, 2024. The City’s Bargaining Committee consisted of Mayor Wortman, Jessica Byler, and Mike Holtz. An agreement was negotiated and is outlined in the Memorandum of Understanding.

Mr. Villella made the motion to approve the Memorandum of Understanding in regard to the Collective Bargaining Agreement between the City of Warren and the Fraternal Order of Police Lodge No. 83. The motion was seconded by Miss Flasher and carried unanimously among the Council members present.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Upon motion by Mr. Cashman and second by Miss Flasher, Council members present voted unanimously to make the following appointments to City boards and commissions:

Parks, Recreation, and Landscape Commission (4-year term expiring 12/31/27)

Mark Zavinski

Sherry Johnson – remainder of term expiring 12/31/25

Planning Commission (4-year term expiring 12/31/27)

Angela Abreu

Michael Suppa

Two vacant seats due to resignations remain: terms expire 12/31/24 and 12/31/25

Redevelopment Authority (5-year term expiring 12/31/28)

William Champlin

Property Maintenance Code Board of Appeals (5-year term expiring 12/31/28)

Harvey Stone

RESOLUTION NO. 3250: APPOINTING JOE WHIPP TO ZONING HEARING BOARD

Upon motion by Mr. Cashman and second by Miss Flasher, Council members present voted unanimously to approve the resolution appointing Joe Whipp to the Zoning Hearing Board.

LETTER OF ENGAGEMENT: LEGAL COUNSEL RE WHIRLEY REAL ESTATE TAX APPEAL

Ms. Stapleford stated that Whirley Industries filed a Real Estate Tax Appeal in regard to three properties it owns at the physical address known as 140 West Harmar Street. If granted, these appeals could result in a significant annual reduction in real estate tax revenue for each of the three taxing bodies (City, County, and School District). There is also a potential for the appeals to result in a portion of previously-paid taxes being refunded to the appellant. Therefore, the expense of outside legal counsel was deemed to be appropriate.

Attorney Michael Musone, of the KnoxLaw Firm, represented the taxing bodies in prior tax appeals and it is proposed that the KnoxLaw Firm be engaged for the current appeal. Attorney Musone will have primary responsibility for providing the taxing bodies with legal representation but will engage the services of other attorneys and paralegals within the firm as warranted.

A Letter of Engagement along with a Waiver of Conflict of Interest were provided for Council's consideration; this waiver pertains to any conflict that may arise among the taxing bodies. A separate Consent and Waiver of Conflict of Interest acknowledges that the KnoxLaw Firm has represented Whirley in unrelated matters and states that its representation of the taxing bodies in this matter is not prohibited.

Mr. Villella made the motion to authorize the Mayor to sign the KnoxLaw Letter of Engagement, Waiver of Conflict of Interest, and Consent and Waiver of Conflict of Interest in the matter of the Whirley Industries Real Estate Tax Appeal. The motion was seconded by Miss Flasher and carried unanimously among the members present.

COMMITTEE UPDATES

Mr. Villella reported that the Marketing Committee met on December 15 and discussed public meetings versus work sessions in regard to YouTube video postings; a plan was laid out and will be addressed later in 2024. The Committee also discussed ways to better publicize events and communication signage in the City.

Mr. Holtz reported that the Council of Governments (COG) met the prior week and adopted its 2024 budget. Miss Flasher added that there was a speaker who outlined grant opportunities for municipalities.

Mr. Rossey reported that the Trestle-to-Trestle group met the prior week and discussed future plans for the riverfront.

Mr. Rossey stated that the Comprehensive Plan Task force will meet on January 25, 2024, at which time plans for 2024 will be presented and development of a formalized agenda will be discussed.

DEPARTMENT REPORTS – NOVEMBER, 2023

Reports from the Police; Fire; Public Works; Codes, Planning, and Zoning Departments were provided for Council's review.

APPROVED MINUTES OF BOARDS AND COMMISSIONS

Council acknowledged receipt of the following approved minutes:

Blighted Property Review Committee	– Sept. 21, 2023	Regular Meeting
Parks, Recreation & Landscape Commission	– Sept. 26, 2023	Regular Meeting
	– Oct. 24, 2023	Unofficial Meeting
	–	No Quorum
	–	Annual Report
Planning Commission	– Sept. 20, 2023	Regular Meeting
Redevelopment Authority	– Sept. 27, 2023	Regular Meeting

ADJOURNMENT

Upon motion by Mr. Cashman and second by Miss Flasher, Mayor Wortman declared the meeting adjourned.