

CITY COUNCIL
Sunbury PA 17801
June 22, 2015
6:15 pm

A regularly scheduled meeting of the Council of the City of Sunbury was called to order with the Honorable David L. Persing, Mayor, presiding. There was a quorum with the following in attendance:

David L. Persing, Mayor
John K. Shipman, Director of Accounts & Finance
Richard L. Reichner, Director of Public Safety
Dale L. Henry, Director of Public Works
James R. Eister, Director of Parks, Recreation and Public Buildings

Other City officials in attendance:

Michael Apfelbaum, City Solicitor
Travis Bremigen, Acting Police Chief
Michael Rhoads, Zoning Officer
Ken Long, Assistant Public Works Supervisor
Cheryl Delsite, Administrative Assistant

There were forty (40) visitors present.

2015 CDBG PUBLIC HEARING

The city council meeting was recessed to have the first 2015 CDBG public hearing required to allow for public comment on the community development block grant program. Ms. Shrawder asked the public to sign the sign-in sheet. The CDBG program is a federally entitled program and administered at the state level by DCED under the rule of Act 179. The purpose is to assist municipalities with projects that will enhance the living environment and extend economic opportunities for low/moderate income persons. Approximately \$300,000 in funding is available in 2015. Project selection will take place at the city council meeting on July 13th. The final public hearing will be held on August 10th. Projects must meet one of three national objectives: 70% or more must benefit low/moderate income persons, 30% could be spent on the elimination of slum and blight or 30% can be spent on response to urgent need when a statewide emergency is announced by the governor. A Fair Housing Resolution must be adopted annually which prohibits discrimination of any kind. An Anti-Displacement Plan must be adopted and this states that it is the intent of the City to undertake activities that do not displace people. The 504 Review is a statement that says the City will make all meetings and hearings accessible to the public. If anyone knows of accessibility issues they should let council members know. Section 3 Preference Statement says a Section 3 resident is a person that resides in the service area with an income below \$33,150 and a Section 3 business is one that is owned by someone with an income below \$33,150. These items will be voted on during the regular meeting. Chestnut St is currently under construction using CDBG funds. Demolition funds are still available and the OPG basketball/tennis courts were just resurfaced using CDBG funds. Ms. Shrawder asked if there were other projects to be proposed for 2015 funding. Ms. Regina Russell said she was asking for Safe Routes to School funding to be used in her neighborhood and asked that be one of the projects they consider funding. That would be Walnut St., S. 4th St. from S. 2nd St. to the high school and from Spruce St. and S. 2nd to the football field. Ms. Julie Broschious said there is a flooding issue in the 5th Ward from the Reagan St. underpass to the Celotex plant on Front St. Her property is one of them which is constantly flooded. Ms. Russell asked when they can expect these things to be taken care of. Ms. Shrawder explained the council members will decide which projects will be funded next month and they will be included in the application to DCED and funding will not be available until 2016. Ms. Jan Dockey said she thought residents needed to pay for their own sidewalks and Ms. Shrawder said there is an ordinance that says that but there are exceptions, such as the Chestnut St. project. Ms. Russell asked if the Market St. Phase 2 which went over budget would use CDBG funding to make up the difference. Ms. Shrawder answered no CDBG funding is involved in the Market St. project. Ms. Shrawder asked if there were comments regarding environmental or historical impacts of CDBG projects. Ms. Russell asked if that would include the Spruce St. cemetery. She asked if the headstones could be straightened and Ms. Shrawder answered no that would be different. Ms. Shrawder said properties have been auctioned off using CDBG funds and the money from the sales goes back

into project income to be used again. The city has \$16,178.88 of program income generated through the sale of properties cleared with CDBG funds and paybacks to Housing Revolving Loan Funds. There were no other comments so the city council meeting adjourned again.

PUBLIC COMMENT/AGENDA ITEMS

Mayor Persing asked for public comment on agenda items and there was none.

FAIR HOUSING RESOLUTION

Councilman Eister moved to pass the Fair Housing Resolution (see attached) for 2015. Second – Henry. Unanimous vote.

PROCUREMENT POLICY

Councilman Henry moved to pass the Procurement Policy (see attached) for 2015. Second – Eister. Unanimous vote.

CITIZEN PARTICIPATION PLAN

Councilman Henry moved to pass the Citizen Participation Plan (see attached) for 2015. Second – Reichner. Unanimous vote.

RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

Councilman Reichner moved to pass the Residential Anti-Displacement and Relocation Assistance Plan for 2015. Second – Henry. Unanimous vote.

1062 MILLER ST DEMOLITION

Ms. Shrawder said bids were solicited for the demolition of this property. 3 quotes were received and the lowest quote was Affordable Construction from Coal Township for \$13,000. Councilman Reichner moved to award the demolition to Affordable Construction. Second – Eister. Unanimous vote. The property is under acquisition now and when that is finalized the paperwork will go out to begin the demolition. This will be paid with the Keystone Communities Funds through the North'd County Housing Authority. The other bids were Burgess Excavating \$14,500 and Schlegel Excavating was \$13,413. Steinbacher's bid came in the mail today and it was due last Thursday.

APPROVAL FOR PUBLIC AUCTIONS

Councilman Reichner moved to allow the sale at public auction for the properties located at 414-416 N. 2nd St. and 144 South St. Second – Eister. Unanimous vote. Ms. Dockey asked about a double house at the end of Susquehanna Ave. in the 500 block heading north it is on the left. Mr. Rhoads said they are working with the owner on that property to bring it to code.

CROSS EASEMENT AGREEMENT

Councilman Reichner moved to pass the Agreement which allows SUNOCO, Burger King and the city to drive on the same area in the lot by Burger King and SUNOCO. Second – Eister. Unanimous vote.

BURGER KING LAND LEASE

Councilman Eister explained the lease for the next 20 years was provided to council members. Council has to decide what the rate of increase per year would be. While the Burger King was under construction, the lot to the east was paved by Burger King. The entrance off 5th St. was rebuilt and the lighting was also upgraded to the parking lot in the amount of \$33,300. The city should owe Burger King \$33,300. Burger King will also pay for the lighting and the camera system for 20 years. At the end of 20 years they would recoup just less than the \$33,300. The choices are to either go to 1.5% or 1.75%. Councilman Shipman would like to see the 2% increase. Mayor Persing said the area has a definite improvement which would not have happened had Burger King not remodeled. Councilman Reichner asked if anyone knows what it will cost to light the parking lot and Councilman Eister said he did not figure that out. It is not a

big cost as the bulbs are LED. Councilman Shipman said the current rate of increase is 3%/year with the old lease. Councilman Shipman moved to use 2%/year increase for the Burger King lot lease with 4-5 year renewal options. Councilman Eister said he would like to see 1.5% because they did the city a favor and did not have to do that. Second – Henry. Unanimous vote.

CHANGE ORDER #1 CHESTNUT ST. PROJECT

Councilman Eister explained the change order is for rain spouting running to the curb on Chestnut St. Instead of running under the sidewalks it will be brought out deeper under the sidewalks to the curb and tying in to the catch basins. It is not a great cost. This item was tabled until the next council meeting because the paperwork was not provided and Councilman Eister didn't know the amount.

CHANGE ORDER #1/OPG

Councilman Eister moved to pass the change order for the OPG in the amount of \$3,220. A soft spot was found that had to be dug out and filled. A credit will be coming for about \$800. Second – Reichner. Unanimous vote.

APPOINT ENGINEER CHESTNUT ST PHASE 2

Councilman Eister explained bids were solicited to complete the engineering design for Phase 2. Ms. Shrawder added 5 proposals were received from \$36,000 to \$144,000. Bassett Engineering was the low bid at \$36,000 and requested to have a follow-up meeting. Their proposal did not include costs for services needed to complete the job. They said they did not understand the RFP however the other 4 bidders did. CES Engineering was in the middle of the bid quotes and Ms. Shrawder recommends awarding the bid to CES Engineering. This bid does not have to go to the lowest bidder. Councilman Eister moved to award the contract to CES Engineering in the amount of \$122,500. Second – Henry. Unanimous vote. Bassett Engineering said if they were not awarded the bid they would protest the decision. They had the same information everyone else had. They also said if they are awarded the bid, the bid amount would change because all the work was not bid.

RENEW LEASE/CENTRAL PA WORKFORCE DEVELOPMENT CORPORATION

Councilman Henry moved to renew the lease for CareerLink that occupies the 2nd and 3rd floors of city hall. Councilman Eister asked if the utility costs could be looked at because that is what increases in the lease amount are based on. Mr. Apfelbaum said this is simply a notice of renewal. If there are maintenance issues they can be billed for, they should be. Someone should look at the lease to see how many years they can renew without increases. Councilman Shipman said the utility costs have been flat and at this time it is the only way to increase the lease amount. Everyone agreed they do not want to lose CareerLink. Councilman Eister said the utility costs will come down for the city when the new gas unit is installed. The city will benefit from the new units because the city's costs will be decreased. Second – Eister. Unanimous vote. Councilman Henry said this should be looked into because they are paying \$6.50 sq. ft. and the average is \$12.00.

CHIEF ADMINISTRATIVE OFFICER/POLICE PENSION BOARD

Councilman Shipman explained the police pension board consists of 5 members, the mayor, director of accounts and finance, 2 police officers and 1 member at large that has knowledge of pensions. The mayor is the chairman of the board. The state requires that a Chief Administrative Officer be appointed for the board. Councilman Shipman moved to appoint the mayor as the appropriate person to be the Chief Administrative Officer of the Sunbury Police Pension Board. Second – Eister. Yes – Reichner, Henry, Eister, Shipman. Abstain – Persing. Motion carried. Ms. Regina Russell asked if this is a conflict of interest. Mr. Apfelbaum said it is not a conflict of interest because the same goals are sought not only for the police pension but for the City of Sunbury. The mayor is already the board chairman so this is just another hat for him to wear. Councilman Shipman explained this gives the opportunity to appoint a person that is not part of the commission to administer. If this was a large department there would probably be a paid staff member appointed to the position. Mayor Persing said nothing changes, the state is mandating that someone have that title for the position. Councilman Henry said it takes 3 votes to hire and fire any employee, including police.

APPROVAL TO PAY INVOICES

Councilman Shipman moved to pay the invoices shown on the vouchers payable report totaling \$131,618.32 from the general fund and \$222.00 from liquid fuels. Second – Henry. Unanimous vote.

AUDIENCE COMMENT

Ms. Swanger: Two properties on 12th St. are nuisance properties. Neighbors have been in touch with the code office but no one sees any progress. She gave pictures to Councilman Reichner. The address is 125-127 and 115 N. 12th St. At this time, she would like the rental permits to be removed. Councilman Reichner asked if anyone was living in 125. The notice that was put on the door has been removed. Ms. Swanger said the neighbors are very frustrated. She said the council members want to beautify the city but there is more than 1 street to look at. Councilman Reichner said they will put the pressure on for anything that is not up to code. The rental permit was only revoked on one side of the property. Someone said she is still picking up her mail there even though the property was sold to her son. Councilman Reichner said they can only deal with the owner of the property and at this time that is the son. Ms. Swanger said there are 2 small children living there that said the children told them their mommy does not send them to school because she does not speak English. They stay home alone and run the streets with no supervision. 115 N. 12th is owned by someone else. Ms. Julie Broschious asked what the regulations are for people that move in and out of a rental. Meaning, if someone rents the property and then more people show up and stay there. Councilman Reichner said there is a 10 day time limit for the property owner to contact the code office regarding additional people moving in to the rental. Mr. Rhoads said they would be required to update the information in 10 days no matter what the circumstances are. He said the code officers are doing their best to deal with a lot of rental properties. The code office does not know about circumstances like what Ms. Broschious is talking about. The address Ms. Broschious is discussing is 844 Edison Ave. Councilman Shipman feels fairly positive there is an ordinance about unrelated people living in the same dwelling.

Ms. Regina Russell, Community Activist: Is the abandoned vehicle program still going on? Mayor Persing answered yes. She knows several places where there are abandoned vehicles. They are located at S. 4th St & Spruce St. and Church & S. 2nd St. and Penn & S. 2nd St. and at that property there is an RV and trailer for 9 years that are rusted, grass is high and no one is maintaining the property. Mayor Persing said they need addresses and Ms. Russell said you can see where the vehicles are. She also asked if an independent contractor has been hired that is not affiliated with the Moran company to test the dirt on that property. Mayor Persing answered at this time the city has nothing to do with the Moran property. Anything going on with that property is between North'd County and Moran. She is asking council because it seems like the city is making plans where the police dept. and the jail is on that property. Ms. Russell said it seems like plans are being made but there is never a representative from the Planning Commission. Mr. Rhoads explained they meet on the 3rd Thursday of every month if there are any agenda items. Ms. Russell then asked if the city is making plans and voting on them, the Planning Commission has nothing to do with that? Mayor Persing answered yes, the Planning Commission gives the recommendation to council to vote on. Ms. Russell asked if all businesses have to go to the planning commission. Mr. Rhoads said there is a process that has to be followed. When there are changes being made to city ordinances or law, they have to be reviewed by the governing body and then it goes to the county and city planning commissions to give their recommendations back to the governing body for their final approval. Mr. Apfelbaum said Mr. Rhoads properly described the city's planning code. When ordinances are involved with changes to the zoning code the ordinance change is forwarded to the planning commission and the commission has a specified number of days to respond. If the city council does not hear positive or negative, they may proceed but only in respect to the zoning changes. It does not have to do with business coming to town. Councilman Henry asked where the trailers Ms. Russell was discussing were located. She answered they are where the carnival is held. He answered that is the fire company property. The 2 white trailers belong to the fire company and they store the equipment for the carnival.

Ms. Meghan Beck: Promotions committee has a rack card to give to the Susquehanna Valley Visitor's Bureau with events for the year. New businesses are being solicited for the discount card and they now have 28 businesses participating. Riverfront planning committee has a concert scheduled for June 28th at 2 pm. Renaissance Festival had a great weekend and there were lots of people attending. Attendance was down but the date was changed. River Festival is planning for

their activities for the 3rd weekend in August. The tax credit program for the Albright council has only \$12,000 in tax credits left. Mayor Persing asked about the boat parade – Ms. Beck said she is not sure, it is new and Bob Lagerman is spear heading the effort. It will be about 5 miles and parade past the amphitheater area. They are working with the Sunbury Social Club and at this time there are approximately 20 boats registered.

Mr. Joseph Bartello: Did Councilman Henry hear back from the solicitor regarding bidding on auction properties? Councilman Henry said they did get something from the solicitor and he was advised not to comment on it until the sale goes through. There was nothing from the Ethics Commission and Mr. Apfelbaum said that would be after. What they received was his opinion. Mr. Bartello asked if what Mr. Kula said was accurate. Mr. Apfelbaum said he was not here to hear what was said but he can state the answer is that council members that participate in decision making with respect to a project, it is generally not the right step to take where councilmen buy things. That is the rule. Mr. Bartello asked Councilman Henry who advised him not to talk about it and he answered an attorney. Councilman Henry said Councilman Reichner's son also wanted to purchase a property so it does not just involve him. Councilman Reichner said being an official of the city and making contracts with the city is the issue. Mr. Apfelbaum said that is correct.

ANNOUNCEMENTS

Music in the Park at 7 pm with the Singing Mailman on Tuesday June 9th.

There being no further business the meeting was adjourned at 7:35 pm.

Respectfully submitted,

Terry Specht, City Clerk