

CITY COUNCIL
Sunbury PA 17801
September 10, 2018
6:15 pm

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

Kurt Karlovich, Mayor
Elizabeth R. Kremer, Director of Accounts and Finance
Richard L. Reichner, Director of Public Safety
Christopher Reis, Director of Public Works
James R. Eister, Director of Parks, Recreation and Public Buildings

Other City officials in attendance:

Kevin Troup, City Treasurer
Joel Wiest, City Solicitor
John Bakowicz, City Engineer
Michael Rhoads, Zoning Officer
Terry Specht, City Clerk

Visitors present: 32

A moment of silent reflection was held prior to the beginning of the meeting in remembrance of all victims of 9-11.

CARING AWARD

Mayor Karlovich presented Linde Lloyd with a Caring Award and certificate (see attached) for providing a service to the city by organizing the 2nd annual Arts and Curiosity Fest on September 8, 2018. The festival brought many people to Sunbury. Ms. Lloyd thanked Mayor Karlovich and said she wanted to thank the local businesses that supported the idea even though they weren't sure of what to expect.

MINUTES AND REPORTS

The Minutes of 8/13/18 and 8/27/18 and available departmental reports of the Police Dept., Treasurer's Office, Controller, Health Dept. (quarterly), Fire Dept., City Engineer, Code Office, Park and Recreation Department, Park and Recreation Board, Public Works Dept., Planning Commission, Redevelopment Authority (bi-monthly) and Police Pension Board (quarterly) are in the City Clerk's office for review. Motion to accept by Karlovich. Second – Reis. Unanimous vote. Minutes will be posted at sunburypa.org.

PUBLIC COMMENT/AGENDA ITEMS

Regina Russell: Why can't the tax exoneration form have an amount on it? Ms. Kremer said they can do that next month.

CHESTNUT ST. PROJECT

Councilman Eister moved to pay invoice #180287 for \$2,500 from CDBG funding to CES Engineering for Chestnut St. Paving Phase 4. Second – Reichner. Unanimous vote.

Councilman Eister moved to pay invoice #180326 for \$4,500 from CDBG funding to CES Engineering for Chestnut St. Paving Phase 4. Second – Reis. Unanimous vote.

HIRE 2 PT POLICE OFFICERS

Mayor Karlovich moved to hire 2 PT police officers, Keith Tamborelli and Jonathan Rush, both have over 20 years of experience. Both names will be put on the PT list to be used as needed at \$22.00/hour. Second – Kremer. Unanimous vote.

CIVIL SERVICE REGULATIONS CHANGED

Mayor Karlovich moved to change the Civil Service Regulations 4.1(e) (see attached) which will delete the words “who shall apply the MPOETC standards for physical agility testing.” The physical agility testing will be done to city standards. Another change is for section 5.4 which will change Provisional Appointments to have to test for full-time positions within 6 months, changed from 3 weeks. Second Reichner. Unanimous vote.

1ST READING/REPEAL AND REPLACE CITY ADMINISTRATOR ORDINANCE CHAPTER 28 ARTICLE VIII

Mayor Karlovich moved to repeal and replace Chapter 28 Article VIII (see attached) and replace it with a new City Administrator Ordinance that is more in line with the new 3rd Class City Code. The position of City Clerk has been removed by the state from the 3rd Class City Code so Ms. Specht’s position will be replaced with the administrator position. The changes include, formerly the mayor was in charge of the city administrator but now, the new ordinance provides the entire city council deal directly with the city administrator. Second – Eister. Unanimous vote.

1ST READING VACANT PROPERTY REGISTRATION ORDINANCE

Mayor Karlovich explained he has been working on this ordinance since he came into office in January. He has been working with the city solicitor to decide what is best for Sunbury. The proposed ordinance requires registration for vacant residential and commercial properties as well as those in foreclosure. There are 87 municipalities in PA with a form of vacant property registration with fees. Communities he contacted mostly said the same thing, at first there was backlash from certain members of their communities, most of whom own vacant properties. After the implementation of the ordinance, they learned the proper enforcement and management to fit the needs of their communities. They have seen a decline in their vacancy numbers and an increase in usable property and an increase in their overall tax revenue. The ordinance as proposed is not written to be a detriment to anyone but rather to benefit Sunbury as a whole. It will give the city the ability to enforce the proper upkeep of the ever-growing vacant properties. If we do not do anything now, the city will continue to decay, instead of growing and prospering. The ordinance is not designed to punish property owners or banks, it is to ensure they maintain their properties to a standard that preserves the health, safety and welfare of all Sunbury residents, to monitor the number of vacant buildings in Sunbury and to assess the effect of the condition of those buildings on near-by businesses and the neighborhoods in which they are located. This should help with fire safety hazards, unlawful occupancy by transients, including illicit drug users and traffickers, the reduction of property values and the long term stability of neighborhoods. A property is deemed vacant if no person currently conducts a lawfully licensed business there or lawfully resides in or any part of the building for 60 days or more. A residential vacancy would only be if all residential units are vacant. The owner will have 30 days to register the property with the city and pay the associated fees, if a waiver of fees has not been approved. The owner will have a total of 90 days of vacancy before registration is required. A health and safety inspection will be made within 30 days of registration. The ordinance will take time to get used to and learn, but this is a tool to utilize and it will be enforceable after accepted. Sunbury deserves this ordinance because we are unable to effect a change without a proper ordinance to allow us to do so. Comments:

Councilman Reichner: The ordinance is unenforceable. His department will have to work with it and he does not have the manpower to enforce it. There are 2,700 rentals that Mr. Rhoads inspects by himself on a 3-year rotation. There are 2 part-time employees that handle the complaints. This is an added burden and there is no funding to add people. Down the road it might be feasible. He believes it should be incorporated with the ordinance he brought up before about licensing commercial rentals. He feels with them being together, it would eliminate questions they have with vacant buildings. Mayor Karlovich answered this is enforceable. It is written just like someone going to the code office for a permit to do repairs at their property. It is not a priority to code officers to find vacant buildings. The responsibility is on the vacant property owner and the banks. If the code office receives a complaint about a property being vacant, the officer will check the complaint as they do with any other complaint and if they deem the property vacant they document the date and that is when the 60 days begins. A letter will be sent to the property owner with the pertinent information to get the property registered within 60 days. All communities he talked to said they had the same pushback. After the ordinance was implemented, and the bugs were worked out of it, the ordinance was good for them. Councilman Reichner asked Mr. Rhoads if he read over the ordinance and what

does he think and Mr. Rhoads said he did read it and he cannot make a determination if it is good or bad for the department at this time. Mr. Rhoads said this is similar to what Redevelopment Authority does. He is unsure if they have the time or manpower but they will have to figure it out when the time comes.

Councilman Reis: Thinks the intention is good but if Councilman Reichner thinks it can't be enforced, and the mayor does think it can, what is the plan to enforce it going forward. Mayor Karlovich said no one knows and if there is no vote on it, they will never know. The other municipalities didn't know about enforcing it but they found a way and it is working. Councilman Reis said to be able to do this, they must use technology more. Mayor Karlovich said he understands the code office concerns, but if things don't change, the city will not move forward.

Councilman Eister: Going back to what Councilman Reichner discussed before, doing inspections,..... Councilman Reichner interrupted him and said that is why they should be done together. It is expensive to codify the ordinances. Councilman Reis asked what it costs and the answer is it depends on how much there is. Mayor Karlovich explained the ordinances are not codified until we tell them to do it. They are shown on E-Code 360 as new legislation. Ordinances are in effect 10 days after passed on a second reading whether they are codified or not. Councilman Reis asked about the landlord meeting where 2 previously introduced ordinances were discussed. Councilman Reichner said it is on the back burner because of other things going and it will have to be re-addressed because he was not where he should have been with the ordinance. Mayor Karlovich said they should not be combined because this is specifically for vacant properties. Councilman Eister asked what would happen if his vacant property has no violations, it is for rent, and no one contacts him to rent it. Will he still have to pay the annual fees if he has a waiver? Mayor Karlovich answered a waiver is good for one year and Councilman Eister said what about the next year and the answer is he pays the vacant registration fee. He is not being penalized because it is worth it to have the signs on it for identification purposes, especially for safety reasons. There is a provision that if someone does not want to pay the fees for a reason, it would go to city council for a vote to waive the fees if there is a good reason.

Laurie Johnson: Has a building that is up to code but there is no business in it at this time. She feels \$100/year is not fair since she is trying to rent the building and feels like it is penalizing property owners. She feels it is the same thing as charging for a code inspection and is double dipping. Mayor Karlovich answered this is for vacant property only and in this instance, she could file for a waiver of the fees.

Linde Lloyd: Came to a prior meeting about vacant properties when she was looking for a place to move her business. The properties are over-market value and in deplorable condition. To bring these properties to code would cost a fortune. At a minimum the properties should be inspected and must meet code standards. It is unfair for vacant properties not to be to code, but if you own a residential rental property it must be to code and inspected every 3 years but it isn't the same for commercial buildings. She thinks the proposed ordinance is good and saying we don't have the time or manpower to do it is saying you don't want to be bothered with it. Mayor Karlovich said in regard to Ms. Johnson's property, there is a waiver for extenuating circumstances. The code office will recommend to city council that the fees may be waived. If the property is up to code there is no reason not to request a waiver. The ordinance is to be fair to everyone.

Councilman Reis: How will this help when someone walks away from a property because they won't willfully complete the vacant property registration form in this instance? Mayor Karlovich it allows a step to contact the owner and if they are not willing to do anything, it allows the city to go a step further to resolve issues. Councilman Reis asked if that isn't what the Redevelopment Authority is doing. He feels the commercial inspection ordinance along with this ordinance would work. Mayor Karlovich said the inspection is a safety and welfare check. Councilman Reis asked what the proposed ordinance is supposed to resolve. He feels it is a stepping stone but won't do anything alone. Mayor Karlovich answered it is to hold property owners and banks accountable. It will cut back on vacant and decaying properties in Sunbury. There is no system in place at this time to be able to do anything. Vacant properties in bad condition are stopping people from moving into a neighborhood or businesses from coming to Sunbury.

Deb Betz: There is a place on Spruce St. with a crack in the foundation and the sidewalks are crumbled. This is the reason an ordinance like this is needed. She feels the code employees could be utilizing their time better and everyone needs to be held accountable. She has toured several commercial properties on Market St. and in one of them the realtor would not take her to the 2nd floor because he said it was too dangerous. Ms. Betz said the city does not utilize resources that are available.

Bob Werline: What happens if you want to sell your house? Mayor Karlovich explained once again that would be a waiver and if the property is vacant it would be registered but no fee charged.

Regina Russell: Brought up this idea a few years ago. It is legitimate and works in Harrisburg and Washington D.C. and other states where an excess tax is put on a property because it is vacant. The excess tax would probably be higher than a registration fee because it is based on the value of the property.

Brandon Succi: Owns a home in Sunbury that is vacant but he doesn't want to sell it because he works away and when he comes here it is where he stays. Would he be penalized? Mayor Karlovich said again, it would fall under the waiver. There is a plan of action for the property, the maintenance is kept up and the utilities and taxes are kept current. It would be registered and if something happened at the property he would be contacted immediately.

Mr. Wiest explained the extenuating circumstances was vague in the proposed ordinance on purpose. After hearing this discussion, he proposed taking out the one time waiver if a property is maintained and up-to-date on all utilities and taxes and the property is registered as vacant. He also suggested changing Section 132-4(e) which gives the city the right to take action if a property owner ignores the ordinance by fining them or creating a municipal lien. He would like to change it to include if there is a period of time, maybe 2 years, and an owner is in violation of this section by ignoring it, language could be added to take action to take the property or send it to the Redevelopment Authority to start the nuisance property procedures. He feels that might resolve the issues everyone is discussing. The fee would be waived indefinitely as long as the property is maintained. Mr. Wiest also said to move forward with this, it will allow properties to be inspected. He feels the landlord meeting needs to be rescheduled to get feedback. He also agrees that the 2 ordinances would work in concert with each other but should be separate sections of the ordinance book.

Regina Russell: What happens to the properties that have been vacant for years? Mr. Wiest said the time period starts when this ordinance is passed and no properties are grandfathered.

Julie Brosius: Are commercial properties in the downtown area with apartments above them inspected? Mayor Karlovich explained they are not inspected at this time. The apartments are but not the commercial part of the building. There is no provision to inspect commercial buildings at this time and that is why Councilman Reichner wants the commercial inspection ordinance enacted. The city's third party inspectors will provide the manpower and give the city an administrative fee to do the inspections. Ms. Brosius also said in a prior year she complained to city council about a landlord that owns a property near her home where the tenants were living in filth. The neighborhood started to have rat and mouse issues and it was found they were raising them in their kitchen. The house had to be gutted. The new property owner still finds mouse and rat droppings in the house. She said nothing was done by the city to prevent this from happening. Councilman Reis asked if, between now and the 2nd reading, there needs to be a systematic process for the implementation of this ordinance. Councilman Reichner asked that the inspections on commercial buildings be done by the 3rd party inspector. Mr. Wiest explained the only inspections would be health and safety inspections and in that regard the city could enter commercial buildings.

Mayor Karlovich moved to adopt on a first reading, Property Registration Ordinance #1285 as provided with the changes as suggested by Mr. Wiest. Second – Reis. Unanimous vote.

FEE SCHEDULE CORRECTION

Councilman Reichner moved to correct the 2018 Fee Schedule regarding street cuts. It should read square yard instead of square foot. Second – Reis. Unanimous vote.

PAY G&R CHARLES

Councilman Reis moved to pay G& R Charles \$12,303.21 from the Liquid Fuels fund which is the difference in what the gas company paid for the S. 4th St. paving project. Second – Eister. Unanimous vote.

APPROVAL TO PAY INVOICES

Councilwoman Kremer moved to pay the invoices reported on the voucher's payable report in the amount of \$22,238.56 from the General Fund and \$12,701.13 from Liquid Fuels. Second – Reis. Unanimous vote.

TAX EXONERATION

Councilwoman Kremer moved to pass the tax exoneration as requested by Statewide Tax Recovery. Second – Reichner. Unanimous vote.

DISCUSSION

Mr. Wiest announced 2 Unfair Labor Practice (ULP) cases have been worked out with the Sunbury Police Officer's Association. Officer in Charge Brad Hare had a lot to do with getting these taken care of.

Mr. Troup explained the city's financial situation is strained due to high legal fees and pay-outs to officers that have left the city's employment and were due their paid time off. He called DCED to see what could be done. They discussed an unfunded debt line of credit from a local bank. The loan could be taken out for 10 years and can only be used for payroll and every day expenses. He feels the city is about \$303,000 over budget that was unexpected. He would like council's permission to send an RFP to the local banks for this loan. On Wednesday DCED will be visiting and meeting with the mayor, Councilwoman Kremer and himself to discuss this situation. Ms. Brosius asked how far back the debt goes and Mr. Troup answered the end of 2017 and 2018. There was a carry-over of attorney fees from 2017 to 2018 that was not budgeted. Ms. Brosius said a 5 mil tax increase was enacted for 2018 – Mr. Troup corrected her to a 2 mil tax increase. She asked if that should not have been put in a separate account anticipating hiring 2 officers. Ms. Brosius said Mr. Troup lied to the public about hiring an officer. He said he did not – if there isn't any money in the bank there isn't any money. Mayor Karlovich moved to allow Mr. Troup to send an RFP for an unfunded debt line of credit in the amount of \$500,000 after the meeting with DCED. Second – Kremer. Unanimous vote.

ANNOUNCEMENTS

The city is accepting volunteers to sit on the Shade Tree Commission. Send letter of interest to Mayor Kurt Karlovich at 225 Market St. Sunbury PA. Must have some tree knowledge.

AUDIENCE COMMENT

Jan Dockey: Over a year ago Chief Miller left the employ of the city and there was discussion that he would be hired as the city administrator. Will the public be told who applies for the position before a decision is made? Mayor Karlovich explained it will be like any other hire, interviews will be scheduled after applications are received. Council will vote on the best candidate for the position. There will be no public letting of everyone's name that applied for the position. Ms. Dockey asked how the city has to pay Chief Miller's salary until April. Mr. Wiest answered the prior council had a contract with Chief Miller and it stated if he left the employ of the city, he would be paid for a period of time. That is what city council is doing now. It is a personnel issue and cannot be discussed.

Della Parsons: The building and sidewalks at 2nd & Spruce Sts. are in deplorable condition. She has questioned Mr. Reichner why is that building still there in unsafe condition. Windows are broken and animals are in and out of the building. The owner purchased it from the city for a small amount with the promise of repurposing the building. Nothing has ever been done with it. The sidewalks are a hazard.

Julie Brosius: The reason she asked Mr. Troup the question about the tax millage increase being in a separate account is because he indicated the wetlands money should be separated from the general fund. Mr. Troup said the wetlands money coming in is a separate account because it is private money.

Bob Werline: Nothing has been done about the potholes he complained about near the fire police building. Councilman Reis said they have been filling potholes as they can and he will remind the department of the location of these potholes.

Linde Lloyd: People are riding dirt bikes on the alley next to her house near Highland Ave in the 1200 block. The alley is not in good shape and is crumbling apart. A vehicle left some type of huge gash in the alley. Councilman Reis said the department would look into it.

Kurt Karlovich: There have been complaints about speeding on Chestnut St. near the construction site and he was wondering if 15 mile speed limit signs could be put up. Councilman Eister said the lanes are restricted very narrow and the contractor does not know how anyone can be speeding in the

area. Mayor Karlovich said someone passed him right before the construction zone. The engineer did not feel a lower speed limit needed to be posted.

Laurie Johnson: Thanked Mr. Troup for being a good treasurer for the city. If he says the city needs to borrow money, then that is what needs to be done. She has great confidence in him.

The next city council meeting will be held on September 24, 2018 at 6:15 pm.

There being no further business to discuss the meeting was adjourned at 7:55 pm.

Respectfully submitted,

Terry Specht, City Clerk