

CITY COUNCIL  
Sunbury PA 17801  
June 11, 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  
Steve Bennick, Captain, Police Department  
John Bakowicz, City Solicitor  
Michael Rhoads, Zoning Officer  
Paul Brown, Fire Chief  
Terry Specht, City Clerk

Visitors present: 27

A moment of silent reflection was held prior to the beginning of the meeting.

Executive sessions were held June 5<sup>th</sup> and June 11<sup>th</sup> to discuss ongoing litigation matters.

### **MINUTES AND REPORTS**

The Minutes of 5/14/18 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 was made by Mayor Karlovich. Second – Reichner. Unanimous vote. Minutes will be posted at [sunburypa.org](http://sunburypa.org).

### **PUBLIC COMMENT/AGENDA ITEMS**

Meghan Beck: Feels the Grounds for Renewal, Suspension, Revocation of Rental Permit ordinance being proposed is arbitrary, redundant and discriminatory. It allows cart blanche to give different punishments to different individuals. There is no timeline for the revocation of a permit. There is already a tax collection process and a water/sewer process if bills are not paid. Ms. Beck said she refurbished a lot of properties and volunteers a lot in Sunbury but this represents a theme of the way city business is handled – punitive rather than proactive. She feels this is like debtor's prison and will be taking away the ability for people to pay bills. It is potentially taking away people's livelihoods. Through her company she pays over \$160,000 in property taxes, \$120,000 in water/sewer bills and she has tenants that can't pay their bills. She has 4 tenants in eviction right now. Last year she was underpaid \$50,000 in rents due to non-payment of rent. 25% of her revenue goes to tax and water bills. What is left goes to staff, maintenance, mortgages, insurance and other bills. If the tenants paid their bills, she could pay hers. She asked council members to table this ordinance until further changes are made. Councilman Eister asked if this was fair to taxpayers and landlords that do pay their taxes. Rentals are a business, when he eats at her restaurant he pays for his meal. The city is run like a business and expects to get paid. Ms. Beck said the city does get paid even if it isn't on time due to the collection process. Councilman Eister stated laws have been changed so municipalities can change the process and do what the city is doing with this ordinance. Ms. Beck said it is partially an economic problem and why isn't the city doing something proactive? If the economy was healthier in the city, people could pay their taxes. Ms. Beck said council wants to provide scare tactics to try to get people to pay their taxes more quickly. Mayor Karlovich asked Councilman Reichner how many other municipalities have this ordinance and he answered Mt.

Carmel, and some in Luzerne or Lackawanna County that he knows of. Councilman Reichner said the council is using it to get funds due the city. If a landlord is on a tax plan they will stay on it, but current taxes must be paid. Councilman Reichner said there is a full year to pay taxes. The 2017 taxes can be paid in 2018. That is what has to be current. The delinquent tax payment plans are not being changed. Ms. Beck said it says in the ordinance if they are past due they are delinquent. Ms. Beck said there is no implementation period for the ordinance. Councilman Reichner said it will be effective January 2019 and 2017 taxes must be current. Ms. Beck said that is not what the ordinance reads and she is concerned that the intention is not to abuse it but there is a potential for abuse due to the ambiguity of the wording. Councilman Reichner said it will be right and will be addressed when it is issued. No one will be removed from homes. Mr. Troup said he read it as, when he turns the taxes over to the delinquent tax service is when the taxes become overdue and that is after December 31<sup>st</sup>. Councilman Reis said there is nothing written that protects people that have past due taxes from 2017 and 2016. There was general discussion on past due taxes. Ms. Beck again requested the topic be tabled until the ordinance can be discussed further. She does not feel due process exists. Being pro-active, NEIC is expensive and possibly an employee could do it for the city. Councilman Reichner explained to do that there is extensive training involved and it would mean more manpower. NEIC is the expert in commercial inspection, city employees only do residential inspections.

Brad Niemic: When he has to come to council meetings it seems it is because landlords are being targeted for something. He wonders why he invests in Sunbury. He asked what “city tax plan” means. Councilman Reichner answered there are 3 taxes, city, county and school district. The only taxes in question are what is owed the city. Mr. Niemic said when you make a tax plan with the county, it is divided out between the 3 entities. Mr. Niemic asked if a tax plan would be made through the city. Councilman Reichner said the delinquent tax plan would be as before, but the current taxes must be up-to-date. Mr. Niemic said the process is not clearly defined. Councilman Reichner said he is probably correct in that. Mr. Wiest said the audience members are correct. This is a general ordinance, specifically written that way. It was adapted from an ordinance that was already approved by the courts. Mr. Wiest said the council members also want a better defined ordinance as well. He said council and he would have a public meeting with landlords to hear everyone’s thoughts. Councilman Reichner said council has to find ways to get money that is owed to the city. Mr. Niemic said there is a section that says if a permit is revoked, the residents within 300’ can meet and contest you getting your permit back. He feels that is likened to a lynching and he does not want to be punished for a past homeowner if the neighbors did not like him. Mr. Niemic said the single family homeowner is not penalized for being delinquent in taxes. He hopes council tables the vote.

Joe Bartello: Is opposed to the same ordinance because of the ifs and mayas. 2 landlords in the same situation can be treated differently. Councilman Reichner said that is not the intent of the ordinance.

Mayor Karlovich said this ordinance will be tabled until a later date. A community meeting will be held to get input from the public.

#### **S. 4<sup>TH</sup> ST. PROJECT**

Councilman Eister said this project is complete. Sidewalks, curbs, paving and new infrastructure have been installed and completed.

#### **CHESTNUT ST. PROJECT**

Councilman Eister moved to pass the Resolution (see attached) to authorize the mayor to sign all documents concerning this project. Second – Kremer. Unanimous vote.

Councilman Eister moved to pay Pay Application #9 to G & R Charles for Chestnut St. Phase 2 in the amount of \$196,288.01. It is the retainer amount from Phase 2. Second – Reichner. Unanimous vote.

Councilman Eister moved to approve the Change Orders #4, 5 and 6 for Chestnut St. Phase 2. Second – Karlovich. Unanimous vote.

#### **1<sup>ST</sup> READING/REPEAL CHAPTER 121 PEACE & GOOD ORDER/B & C**

Mr. Wiest explained Chapter 121 Peace & Good Order has some outdated items in it. The request is to eliminate Section B 121-7 which involves “female persons soliciting drinks and punishment for proprietors that allow them to solicit drinks” and section C 1. Lodging accommodations. 2. Unlawful occupancy. 3. Occupancy by persons of opposite sex” will be eliminated as well as “Unlawful occupancy” Also, 4. Reasonable doubt of lawful relationship and 5. Multiple night rentals will be removed. Mayor Karlovich moved to pass the removal of Section B. Second – Reichner. Unanimous vote. Mayor Karlovich moved to pass repealing the entire Section C. Second – Eister. Unanimous vote. Second reading will be held on July 9, 2018

### **1<sup>ST</sup> READING/CHAPTER 89 SUNBURY FIRE DEPT COST RECOVERY**

Councilman Reichner explained this subject has been discussed many times in the previous 4 years. This ordinance shows that city council supports the fire companies to bill insurance companies for fire services. By law insurance companies can be billed up to \$500. Councilman Eister qualified that residents will not be billed, only insurance companies. There are companies that bill for this service and receive 15% of the bill for their efforts. Councilman Reichner moved to pass this amendment to Chapter 89 on a 1<sup>st</sup> reading. Second – Karlovich. Reis – Abstain. Eister, Karlovich, Kremer, Reichner – Yes. Motion carried. Second reading will be held July 9, 2018.

### **1<sup>ST</sup> READING/COMMERCIAL BUILDING INSPECTIONS #1285**

Councilman Reichner stated there have been incidents with the fire department being called to go into situations where they have to go in to a commercial building for safety concerns. The code office has nothing set up to inspect commercial buildings. One example is the Dollar Store on Market St. This ordinance would allow the 3<sup>rd</sup> party commercial inspector to go into all commercial buildings for a bi-annual inspection. It will not be residential units, it is for buildings with businesses in them. The goal of this ordinance is to make sure buildings are safe for customers and employees to enter. Mr. Wiest said this is for commercial buildings that are not a residence. The inspection fee will be \$150/bi-annually for the 1<sup>st</sup> 5,000 sq. ft. and \$10/1,000 sq. ft. additional area. If they must return to mitigate violations it will be \$125. Councilman Reis asked if this is only for businesses that are being rented and Councilman Reichner answered yes. They cannot go into a building that is owned by that particular business unless it is on an emergency basis. Mr. Wiest said the ordinance is written for all commercial buildings and it has been upheld by the courts. It can be changed if council wants it for rented commercial business only. Councilman Eister said it is for all commercial buildings. Mr. Wiest said he feels it is legal to go into an owned building because this came from another ordinance that has been upheld by the courts. Councilman Reichner moved to pass this new ordinance on a 1<sup>st</sup> reading. Second – Eister. Yes – Karlovich, Kremer, Reichner, Eister. No – Reis. Motion carried. Second reading will be held on July 9, 2018.

### **2<sup>nd</sup> READING/CHAPTER 134-10**

Tabled at this time

### **HARB APPROVAL/250 CHESTNUT ST.**

Councilman Reichner moved to pass the HARB recommendation for 250 Chestnut St. for replacement windows and repairs to the front porch. Second – Karlovich. Unanimous vote.

### **OPEN BIDS/2003 CROWN VICTORIA**

Only 1 bid was received for this vehicle from Ryun Cushing in the amount of \$701. Councilman Reichner moved to sell the vehicle to Mr. Cushing. Second – Karlovich. Reis – Abstain. Eister, Karlovich, Kremer, Reichner. Motion carried.

### **PA DOT ROAD CLOSURES**

Councilman Reis moved to approve the road closures for National Night Out August 7<sup>th</sup>, Soap Box Derby July 15<sup>th</sup>, Sunbury Celebration July 14<sup>th</sup> and River Festival August 17<sup>th</sup> & 18<sup>th</sup>. Second – Karlovich. Unanimous vote.

### **DPW PT SEASONAL HIRE**

Councilman Reis moved to hire Bradley Beaver at \$9.00/hour for part-time seasonal employment. Second – Karlovich. Unanimous vote.

Councilman Reis moved to hire Michael Engle at \$9.00/hour for part-time seasonal employment. Second – Eister. Abstain – Karlovich. Yes – Kremer, Reichner, Reis, Eister. Motion carried.

### **PARK AND RECREATION PT SEASONAL HIRES**

Councilman Eister moved to hire Franklin Culp and Carl Beierschmidt on an as needed basis. They will mostly be working on projects. Second – Karlovich. Unanimous vote.

### **APPROVAL TO PAY INVOICES**

Councilwoman Kremer moved to pay the invoices reported on the voucher's payable report in the amount of \$129,412.75 from the General Fund and \$1,162.16 Liquid Fuels and from the end of May in the amount of \$157,235.75 General Fund and \$22,494.25 Liquid Fuels. Second – Reis. Unanimous vote.

### **TAX EXONERATION**

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

### **DISCUSSION**

Mr. Troup has had discussions with a corporation called Turn Key that helps to collect taxes. Mr. Mark Shuster reached out to Mr. Troup to see if Sunbury would be interested. Shamokin only collects about 54% of their taxes but Sunbury collects a much higher percentage and would not be needed for tax collection purposes. Mr. Troup would like to hire the business to help with identifying businesses and collecting Mercantile Taxes. To help the city he said he would waive the monthly fee for shared information about how Mercantile Taxes are collected. His fee is 25% of any extra revenue he finds that is not being paid at this time. Mr. Troup asked if everyone would read the information and let him know if he should pursue this issue. It is a 3-year agreement with 90 days to terminate the agreement and he will collect 25% of the new revenue.

### **ANNOUNCEMENTS**

Officer Christopher Gibat has tendered his resignation from the Sunbury Police Department effective June 25, 2018. He will be moving out of the area.

Mayor Karlovich read a statement regarding different months being named to bring awareness and to observe the history of those topics. June is Lesbian, Gay, Bisexual and Transgender Pride month and demonstrates how LGBT Americans have overcome discrimination and having strengthened the country by helping create awareness and equality. Mayor Karlovich moved to pass a Proclamation (see attached) making June LGBT Pride month in Sunbury. Sunbury is a multi-cultural and diverse community. All are welcome in Sunbury no matter their race, color, national origin, religion, sex, disability, sexual orientation or gender identity, or anything in between. Mayor Karlovich urged all residents to continue to work together for liberty, justice and equality for all because the freedom to simply be yourself in a sea of people who aren't like you is a freedom everyone deserves. Second – Reis. Unanimous vote.

### **AUDIENCE COMMENT**

Joe Bartello: In regard to the Mercantile Tax as discussed, is that businesses that sell products in Sunbury? Mr. Troup said whatever is sold and wherever it is sold, is part of the mercantile tax. Mr. Bartello also asked what rate the park & rec new hires would make and Councilman Eister answered \$10.00/hour.

Meghan Beck: Is the review of the vacant property just for the public area or does it include other vacant areas. Councilman Reichner answered only public areas. Ms. Beck asked if this creates a rental permit for a commercial business or a renewal certificate of occupancy. Councilman Reichner said he thought it was a renewal certificate of occupancy. He said the Varias building opened their

eyes as to what can happen with a vacant building that sits vacant a long time. Mr. Wiest said it is a certificate of inspection showing it passed the necessary safety inspection.

Julie Brosius: Ms. Brosius stated that the minutes have shown her name spelled incorrectly. Ms. Brosius said the re-dedication of the Hunter Grant cemetery was very emotional and well attended. Despite the rain, she wished there would have been more presence there. She also asked what the purpose of signage for “keep off the grass” was on N. Front St. Ms. Specht stated she asked the same question and answered it is meant for trucks and other vehicles that were turning in that area and causing large divots in the grassy area. Councilman Reis will look into the matter further. Ms. Brosius said there are a lot of people that walk in that area so the signs should be changed/removed. Ms. Brosius asked why the Bimbo trucks are coming out Reagan St. and up Edison Ave. to Packer St.

The parking area is gated but it should be opened so they can come in to Packer St. instead of ruining more streets with the big trucks. Councilman Reis said he does not know why they are operating the business the way they operate it. This has happened within the last month. Councilman Reichner said he would check with the owner.

The next city council meeting will be held on June 25, 2018 at 6:15 pm.

There being no further business to discuss the meeting was adjourned at 7:25 pm.

Respectfully submitted,

Terry Specht, City Clerk