

**COUNCIL CHAMBERS
FEBRUARY 12, 2020**

**MEETING OF THE
COUNCIL OF THE CITY OF CHESTER**

A regular meeting of the Council of the City of Chester was held on the above date at 10:09am with Mayor Thaddeus Kirkland presiding. A prayer was said followed by the Pledge of Allegiance. The roll was called and the following were present:

Elizabeth Williams
William Morgan
Portia West
William "Al" Jacobs
Mayor Thaddeus Kirkland

On motion of Councilor West, seconded by Councilor Morgan, the minutes of the previous meeting were approved as submitted. The following vote was taken: Yeas: Williams, Morgan, West, Jacobs, Mayor Kirkland. Nays: 0.

Mayor Kirkland asked if anyone in the audience had any comments on Agenda items only.

Kenneth Schuster, City Solicitor says in addition to the general typical Agenda comments we would like to draw the public's attention to Item #14 on the Agenda that has been handed out. Item #14 is a Resolution to authorize for approval to Request for Proposals for the Chester Water Authority. I will put copies of that Resolution on the podium today. You can review this and make comments now. This resolution was discussed and fully advertised at this past Monday's Deliberative. It was also posted on the City's Website yesterday and a copy was also emailed to the Solicitor of the Water Company yesterday as well.

Will Richon, 1704 Modesto Circle says I have a question relating to Item #14. My understanding (inaudible) Aqua Pennsylvania will take over Chester Water Authority. Do we know why the Better Business Bureau gives Aqua America a B- Rating?

Mayor Kirkland says no Mr. Richon I don't.

Mr. Richon says it would be worth finding out why they gave them a B- Rating before proceeding (inaudible).

Mayor Kirkland says Mr. Richon I don't see anything today that's implicating that we're getting involved with Aqua or anyone else specifically.

The City Clerk proceeded with the reading of the Resolutions.

RESOLUTION

WHEREAS, the following individuals have requested a handicapped parking zone:

1. Sally Harris, 347 Kerlin Street, Chester, PA 19013
2. Ronald Lee, 1422 West 7th Street, Chester, PA 19013
3. Felix Ortiz, 323 Rose Street, Chester, PA 19013
4. Charles Pigott, 225 East 23rd Street, Chester, PA 19013
5. John Towns, 1132 Meadow Lane, Chester, PA 19013

WHEREAS, after a thorough investigation by the Department of Streets and Public Improvements, it has been determined that the aforementioned individuals have met all of the required criteria and has a need for said handicapped parking zone.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:

That it does hereby authorize the proper City officials to install a handicapped parking zone in the 300 Block of Kerlin Street, in the 1400 Block of West 7th Street, in the 300 Block of Rose Street, and in the 200 Block of East 23rd Street, and in the 1100 Block of Meadow Lane, in the City of Chester.

On motion of Councilor West, seconded by Councilor Morgan, the above Resolution was adopted. The following vote was taken: Yeas: Williams, Morgan, West, Jacobs, Mayor Kirkland. Nays: 0.

RESOLUTION

THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:

That it does hereby appoint Madeline Clausell, to the position of Temporary Secretary, in the Department of Public Safety, effective February 18, 2020, and until such time as the employee she is replacing on sick leave returns to work, at the salary as provided in the Annual Appropriation Ordinance, with no benefits, not to exceed 29.5 hours per week.

On motion of Councilor West, seconded by Councilor Morgan, the above Resolution was adopted. The following vote was taken: Yeas: Williams, Morgan, West, Jacobs, Mayor Kirkland. Nays: 0.

RESOLUTION

THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:

That it does hereby appoint Steven Gretskey, to serve as the Deputy Emergency Management Coordinator, Police Department, Department of Public Affairs, effective February 12, 2020.

On motion of Councilor West, seconded by Councilor Morgan, the above Resolution was adopted. The following vote was taken: Yeas: Williams, Morgan, West, Jacobs, Mayor Kirkland. Nays: 0.

RESOLUTION

THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:

That it does hereby reappoint the following individuals as members of the Stormwater Authority of the City of Chester Board, terms to expire as stated:

<u>Name</u>	<u>Term Of Office</u>
John Shelton	October 28, 2023
William Riley	October 28, 2022

On motion of Councilor West, seconded by Councilor Morgan, the above Resolution was adopted. The following vote was taken: Yeas: Williams, Morgan, West, Jacobs, Mayor Kirkland. Nays: 0.

RESOLUTION

THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:

That it does hereby reappoint Portia West, as a member of the Stormwater Authority of the City of Chester Board, to fill the expired term of Latifah Griffin, term to expire October 28, 2024.

On motion of Councilor Morgan, seconded by Councilor Jacobs, the above Resolution was adopted. The following vote was taken: Yeas: Williams, Morgan, Jacobs, Mayor Kirkland. Nays: 0. Abstain: West

RESOLUTION

THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:

That it does hereby appoint the following individuals as members of the Stormwater Authority of the City of Chester Board, terms to expire as stated:

<u>Name</u>	<u>Term Of Office</u>
Daubri Green	October 28, 2021
Joy Taylor	October 28, 2021

On motion of Councilor West, seconded by Councilor Morgan, the above Resolution was adopted. The following vote was taken: Yeas: Williams, Morgan, West, Jacobs, Mayor Kirkland. Nays: 0.

RESOLUTION

THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:

That the City of Chester, of Delaware County, Pennsylvania does hereby request a grant from the Department of Economic Development (DCED) in an amount not to exceed \$500,000.00 to be used for a Neighborhood Camera Initiative.

FURTHER, that the Applicant does hereby designate Nafis Nichols, Chief Financial Officer, as the official to execute all documents and agreements between the City of Chester and the Department of Community and Economic Development to facilitate and assist in obtaining requested grant.

On motion of Councilor West, seconded by Councilor Morgan, the above Resolution was adopted. The following vote was taken: Yeas: Williams, Morgan, West, Jacobs, Mayor Kirkland. Nays: 0.

RESOLUTION

WHEREAS, Section 511.55, entitled Delegation of Powers, of Article 511 of the Codified Ordinances of the City of Chester allows Council to designate Residential Parking Permit Area(s), by Resolution within Residential Districts.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:

That it does hereby designate the following areas as Residential Parking Permit Areas within the following Residential Districts:

1. West side of 2600 Block of Madison Street from Houston Street to dead end at Chester Park; and
2. East side of 2600 Block of Madison Street from Houston Street to 150' bearing North.

FURTHER, said designated areas are subject to review and amendment at a later date.

On motion of Councilor West, seconded by Councilor Morgan, the above Resolution was adopted. The following vote was taken: Yeas: Williams, Morgan, West, Jacobs, Mayor Kirkland. Nays: 0.

RESOLUTION

THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:

That it does hereby amend the Resolution passed by Chester City Council on January 22, 2020, to read as follows:

That it does hereby grant permission and authorize the issuance of a road opening permit to PECO for the installation of 3,170 linear feet of gas main, on the following streets within the City of Chester, in accordance with the documents on file in the City Engineer's Office:

1. State Route 3005 - Flower Street
2. State Route 0291 - Route 291
3. W. 7th Street
4. W. 6th Street
5. Central Avenue

FURTHER, said permit is contingent upon all work being performed in a manner that is satisfactory to City Council and PECO's compliance with all of the following conditions as outlined by the City Engineer.

1. PECO performs a half width mill and overlay on City streets upon completion of the work. However, some work may require a full width mill and overlay depending on the extend of the openings.
2. All work that impacts sidewalks within City R.O.W.'s shall be replaced with new concrete sidewalks and ADA Accessible Curb Ramps where required by the City Engineer.
3. PECO contractor provides traffic control flaggers to ensure a continuous operation of City Streets.
4. The PECO main installation along Flower Street will impact the operation of the Soccer Stadium on game days. PECO will need to coordinate and have contingencies within their contract so that work will not take place on game days and roadways will be 100% operational.
5. PECO will need to obtain a Highway Occupancy Permit (HOP) from PENNDOT.

On motion of Councilor West, seconded by Councilor Morgan, the above Resolution was adopted. The following vote was taken: Yeas: Williams, Morgan, West, Jacobs, Mayor Kirkland. Nays: 0.

RESOLUTION

WHEREAS, the City of Chester has received funding from the U.S. Department of Housing and Urban Development under the Community Development Block Grant (CDBG) Program; and

WHEREAS, the City of Chester desires to amend the F.Y. 2019 Action Plan to add the Pulaski School Remediation and Demolition Project.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:

That it does hereby authorize the Chester Economic Development Authority (CEDA) to take the appropriate steps to ensure that the requirements for public notification are met and to advertise the attached Notice of Revision to the F.Y. 2019 Action Plan.

On motion of Councilor West, seconded by Councilor Morgan, the above Resolution was adopted. The following vote was taken: Yeas: Williams, Morgan, West, Jacobs, Mayor Kirkland. Nays: 0.

RESOLUTION

WHEREAS, the City of Chester intends to submit an application for funding under the U.S. Department of Housing and Urban Development's (HUD) Community Development Block Grant (CDBG) Program and HOME Investment Partnerships (HOME) Program; and

WHEREAS, one of the requirements of these programs is to inform the citizens of the City of Chester regarding the City's intended uses for the funds requested from HUD under the CDBG and HOME Programs; and

WHEREAS, HUD requires that the City of Chester, once every five years, prepare a Five-Year Consolidated Plan that outlines the current conditions of the City and the range and priority of needs to which the City expects to allocate its annual appropriation of CDBG and HOME funds; and

WHEREAS, the City of Chester is preparing a draft of the F.Y. 2020-2024 Consolidated Plan and draft of the F.Y. 2020 CDBG and HOME Action Plan, which identifies the projects and program activities on which the Program Year 2020 CDBG and HOME funds are proposed to be spent; and

WHEREAS, in conjunction with the preparation of the draft Consolidated Plan and Action Plan, the City is preparing a draft of an Analysis of Impediments to Fair Housing Choice, which serves to identify barriers to fair housing in the City and to create goals to address such barriers.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:

That it authorizes the Chester Economic Development Authority (CEDA) to take the appropriate steps to ensure that the requirements for public notification are met and to advertise the availability of the draft 2020-2024 Consolidated Plan, the draft 2020 CDBG/HOME Action Plan and the draft Analysis of Impediments to Fair Housing Choice in accordance with the appropriate federal regulations.

On motion of Councilor West, seconded by Councilor Morgan, the above Resolution was adopted. The following vote was taken: Yeas: Williams, Morgan, West, Jacobs, Mayor Kirkland. Nays: 0.

RESOLUTION

THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:

That it does hereby authorize the purchase of two (2) trucks, in as is condition from Harry Broomall, d/b/a Broomalls, for the Department of Parks, Public Property and Recreation, not to exceed a total of \$6,000.00.

FURTHER, it does hereby authorize the proper City official to take all necessary actions for the proper purchase of the following vehicles:

1. 2007 Toyota Tacoma Truck VIN# 414089
2. 2011 Chevy Silverado Truck VIN# 358025

On motion of Councilor West, seconded by Councilor Morgan, the above Resolution was adopted. The following vote was taken: Yeas: Williams, Morgan, West, Jacobs, Mayor Kirkland. Nays: 0.

RESOLUTION

THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:

That it does hereby ratify entering into an Electricity Supply Agreement with Constellation NewEnergy, Inc., for the purchase and supply of electricity, at the fixed rate contract price of \$0.04227 per kilowatt-hour, beginning February 2020, in accordance with the terms and conditions set forth in said Agreement.

FURTHER, the Chief Financial Officer is hereby authorized to execute the necessary documents for and on behalf of the City of Chester.

FURTHER, said Agreement is contingent upon final review and approval of the City Solicitor.

On motion of Councilor West, seconded by Councilor Morgan, the above Resolution was adopted. The following vote was taken: Yeas: Williams, Morgan, West, Jacobs, Mayor Kirkland. Nays: 0.

RESOLUTION

WHEREAS, in about 1939, the City of Chester organized the Chester Municipal Authority under the Municipality Authorities Act, which entity is now known as the Chester Water Authority; and

WHEREAS, litigation is ongoing regarding to the City's interest in the water system assets and the City is committed to understanding the right course of action for the City as soon as the legal dispute over the rights of the City under the Municipality Authorities Act is finally resolved; and

WHEREAS, the City has determined it is in its best interest to explore whether to follow the process established by the General Assembly to potentially monetize assets of the Chester Water Authority; and

WHEREAS, a request for proposal was issued on June 12, 2019, after an action of this Council but, due to litigation and out of an abundance of caution, all six proposals received were recently returned to the offerors without having been opened, other than to identify the person to whom they should be returned; and

WHEREAS, the Delaware County Court of Common Pleas on February 3, 2020, entered an order that permits the issuance of a request for proposals and the City to undertake a bid process, provided that, after such process, any agreement or other transaction, if any, is subject to resolution of the Common Pleas matter before a transaction can finally close; and

WHEREAS, the City has requested the cooperation of the Chester Water Authority in this process and the Chester Water Authority has not provided any of the requested information and assistance;

NOW, THEREFORE, intending to be legally bound, the City Council of the City of Chester resolves as follows:

RESOLVED, the City determines that its interests include the City's financial stability, securing a healthy and affordable water supply for its residents, neighbors and businesses, and reasonably protecting the interests of other critical stakeholders, such as the men and women who do the hard work at the Chester Water Authority; and be it further

RESOLVED, the City should explore the possible conveyance of the project of the Chester Water Authority, termination of the Chester Water Authority, and/or the sale of the assets of such authority; and be it further

RESOLVED, that the City should pursue a final legal resolution of its rights under the Municipality Authorities Act before the Common Pleas Court, and in compliance with the order of February 3, before this the City would close on any final transfer or plan to transfer, if any; and be it further

RESOLVED, that the expression of intent in this resolution is intended to be short of, and shall not constitute an expression of a desire to finally transfer the assets to the City within the meaning of Section 22(a) of the Municipality Authorities Act, 53 Pa C.S. § 5622(a); and be it further

RESOLVED, that in the interest of understanding its rights and whether it is in the interest of the City and the relevant stakeholders that the City pursue a conveyance, the City should issue a request for proposal for the water system assets; and be it further

RESOLVED, that the Mayor shall promulgate, or shall cause City personnel to promulgate, a request for proposals in a form that he determines is appropriate; and be it further

RESOLVED, that following the receipt of proposals, the Mayor shall be authorized to pursue such a transaction to the extent he deems appropriate, provided that any transaction be returned to the Council for approval of any agreement or other plan that establishes the final disposition of such assets.

On motion of Councilor West, seconded by Councilor Morgan, the above Resolution was adopted. The following vote was taken: Yeas: Williams, Morgan, West, Jacobs, Mayor Kirkland. Nays: 0.

RESOLUTION

THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:

That it does hereby engage the services of Dilworth Paxson LLP, as bond counsel, when requested, for the City's General Obligation Refunding Bonds Series 2020 and Pension Obligations Bonds of 2020, in accordance with the Engagement Letter dated February 2020.

FURTHER, that it does hereby authorize the execution of the Engagement Letter by the proper City official.

FURTHER, said agreement is contingent upon final approval of the City Solicitor.

On motion of Councilor West, seconded by Councilor Morgan, the above Resolution was adopted. The following vote was taken: Yeas: Williams, Morgan, West, Jacobs, Mayor Kirkland. Nays: 0.

RESOLUTION

THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:

That it does approve and order payment of a series of bills and refunds as prepared by the Department of Accounts and Finance and as shown on Expenditure Approval List dated February 3, 2020, attached hereto and made a part hereof, subject to approval from the Department of Accounts and Finance.

On motion of Councilor West, seconded by Councilor Morgan, the above Resolution was adopted. The following vote was taken: Yeas: Williams, Morgan, West, Jacobs, Mayor Kirkland. Nays: 0.

The City Clerk proceeded with the reading of the Ordinances.

BILL NO. 1
ORD. 1, 2020

AN ORDINANCE LAST AND FINAL READING

**AN ORDINANCE OF THE CITY OF CHESTER,
DELAWARE COUNTY, PENNSYLVANIA,
AMENDING VARIOUS SUBSECTIONS OF
ARTICLE 1746 ENTITLED "DEFAULTED
MORTGAGE PROPERTY" OF THE CODIFIED
ORDINANCES OF THE CITY OF CHESTER, 1978,
AS SUPPLEMENTED AND AMENDED, TO
PROVIDE FOR THE ADDITIONAL INTENT AND
PURPOSE OF REQUIRING THE REGISTRATION
AND MAINTENANCE OF CERTAIN REAL
PROPERTY BY OWNERS OR MORTGAGEES,
PROVIDING FOR PENALTIES AND
ENFORCEMENT, AS WELL AS THE
REGULATION, LIMITATION AND REDUCTION
OF REGISTRABLE REAL PROPERTY WITHIN
THE CITY OF CHESTER; PROVIDING FOR THE
SEVERABILITY, REPEALER, CODIFICATION AND
EFFECTIVE DATE; AND REPEALING ALL
ORDINANCES OR PARTS OF ORDINANCES
INCONSISTENT THEREWITH.**

On motion of Councilor West, seconded by Councilor Morgan, Bill No. 1, 2020 was passed on its Last Reading. The following vote was taken: Yeas: Williams, Morgan, West, Jacobs, Mayor Kirkland. Nays: 0.

BILL NO. 2
ORD. __, 2020

AN ORDINANCE

FIRST READING

**AN ORDINANCE OF THE CITY OF CHESTER,
DELAWARE COUNTY, PENNSYLVANIA,
DELETING IN ITS ENTIRETY SUBSECTION
503.09 ENTITLED "ADMINISTRATION AND
ADJUDICATION OF PARKING VIOLATIONS"
OF THE CODIFIED ORDINANCES OF THE CITY
OF CHESTER, 1978, AS SUPPLEMENTED AND
AMENDED, REPLACING IT WITH A NEW
SUBSECTION 503.09 TO REMOVE
INSTALLMENT PAYMENTS OF PARKING
PENALTIES; REVISE NOTICE PROVISIONS;
REMOVE HEARINGS BY TELEPHONE AND
FOR WRITTEN TESTIMONY; REMOVE
VIOLATION DESCRIPTIONS AND PENALTY;
PROVIDE FOR IMMOBILIZATION AND
TOWING; AND REPEALING ALL
ORDINANCES OR PARTS OF ORDINANCES
INCONSISTENT THEREWITH.**

On motion of Councilor West, seconded by Councilor Morgan, Bill No. 2, 2020 was passed on its First Reading. The following vote was taken: Yeas: Williams, Morgan, West, Jacobs, Mayor Kirkland. Nays: 0.

Swearing – In

Officer Thomas Geromichalos

Recognitions – Commissioner William Rigby

Letter of Commendation – Paramedic Cheryl Ley & EMT Chris Thorton (Attachment #1)

Letter of Commendation – Chester Police Officers DiSylvestro & Pownall (Attachment #2)

Mayor Kirkland recognizes the intern, third year Drexel Law Student who is interning with our Solicitor, Ken Schuster's Office, Kristine Casey.

Public Comment

Marcella Singleton and her son Monty Singleton, 207 S. 5th Street, Darby PA says my son has a business here for the past two months here in the City of Chester at 2200 W. 2nd Street. It is an auto mechanic and body shop. On February 10th he was racially profiled by the Chester Police Department. His civil rights were denied and there is no one being held accountable. What are you all going to do to have sensitivity training for these Officers? What is the discipline? It is on video. Mr. Singleton says it's on video. They were flashing their light inside of my business from the Sunoco lot. I came out and asked them was everything alright because everything is fine. The Sergeant automatically got nasty with me. He came around to my shop and threw me on the ground and tased me in front of my daughter. They put flashlights in my daughter's eyes. She's nine years old. I want to know what you going to do about this.

Mayor Kirkland says you do know that this is under investigation. It is a Police matter. It is a legal matter that has to go through a legal process. There is nothing that I or anyone else can do once it starts to become a legal process.

Commissioner Blair says I assure you that this matter is policy and procedural (inaudible). We will look at it and review the videos that we have access to. There is a procedure that has to be followed and we will address it. Most of this matter I can't discuss because it is an open investigation and a criminal matter.

Barbara Moore, 714 Lloyd Street says on January 3rd a City Truck knocked down my awnings. I've called and so has the guy from AAA and we got no response. I finally got a response from Portia West. I did get a call from the Solicitor's Office. I don't

think it should take this long to get back with somebody about damage to their property. This is intolerable. When I did talk to Portia West she told me to get three estimates.

Councilwoman West says she did talk to the guy from AAA. I told him when we have an incident that my department will get all the information from the driver and his supervisor. We get a Police Report and we send the packet over to the Solicitor's Office. I told the guy from AAA that is had been turned over to our Solicitor's Office for handling.

Ms. Moore says so far I have two and I'm waiting for the third one to come in.

Ken Schuster, City Solicitor says unfortunately this is a self-insured case. So we need three estimates. You have two and if you give them to me today that may be sufficient. I'll meet you after the meeting. I'll review them. Council and Mayor may make a recommendation that it is unnecessary to get a third estimate even though that is typical.

Delores Wilson Bailey, 608 W. 14th Street says I live in a flood zone. January 19, 2019 my house was paid off. Around March 2019 I noticed that my flood insurance was \$3,846.00 and I don't understand that. My neighbor that lives closer to the water her flood insurance is \$1800.

Mayor Kirkland says it just might be a matter of changing insurance companies.

Ms. Bailey says it's FEMA.

Mayor Kirkland says that's a Federal issue however if you would just be around a little bit we will see if we can try to make a phone call and be of some help.

Mayor Kirkland recognizes Ms. Diane Palm. (Showalter Junior High School Teacher)

Amin Abdul Salim, 242 Patterson Street says we want to reap what we have sown. Jesus said to some "I have lived a whole lifetime above you and you did not know who I was". He's not just popping up...I've been here a long time. I hear the word transformation. I am sure you heard Anti-Christ. Jesus said there will come a time that the healing with all this illness and sickness (inaudible) in this world...in this society.

Stephen Gretskey, Deputy Police Commissioner reads the 2019 Police Final Report. **(See attachment #3)**

William Rigby, Fire Commissioner reads the 2019 Incident Type Report. **(See attachment #4)**

Mayor Kirkland says we want to thank both our Police Department and Fire Department for the services that they provide to our Community.

There being no other business to come before Council, the meeting was adjourned at 11:21am.

Respectfully submitted,

FEBRUARY 12, 2020

Candice Thompson, City Clerk